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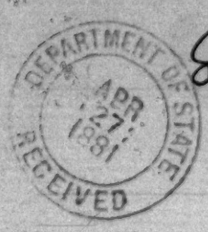
No. 121. One Enclosure.



Legation of the United States.
Peking, March 3rd 4, 1881.

James B. Angell to
the Secretary of State,

Subject.
Statement of salary account.

Synopsis.
Refers to despatch number 118., and encloses a duplicate of the account.

No 121. One Enclosure.

Legation of the United States.

Peking, March 3rd/4, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Recurring to my despatch number 118. I have the honor to enclose herewith a duplicate statement of the salary & 1/12 account which it covered.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of salary account from July 30th/4 1880. to August 9th/4, 1880.

57

Ack

DEPARTMENT OF STATE
APR 27 1881
RECEIVED

made

No. 122. One Enclosure.

Legation of the United States.

Peking, March 5th, 1881.

James B. Angell to

the Secretary of State.

Subject.

Appointment of Lao to Foreign Office.

Synopsis.

Reports the arrival of this distinguished officer in Peking, and of his appointment to several most important offices. Gives a sketch of his career.

One Enclosure.

No. 122. Legation of the United States.

Peking, March 5th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir;

I enclose a communication of Prince Kung announcing that by Imperial Decree the distinguished statesman and general, Tso, has been appointed Superintendent of the Board of War, Member of the Privy Council, and Minister in the Foreign Office. 1/122.

Tso has played an important part in public affairs for the last thirty years or more. After occupying

for

for some years the post of Private Secretary to the eminent statesman, Tseng-kuo-fan, he was entrusted with the command of one of the armies in the field against the Taiping rebels. Li-Hung-Chang commanded the other. From that time there has been more or less rivalry, not to say jealousy, between these two prominent leaders. In my interview with Li-Hung-Chang in the autumn he used language about Tso, which clearly revealed this feeling. For some years Tso has been Viceroy of the two Northwestern Provinces, Shensi and Kansuh, but has been almost constantly in the field, conducting military operations in the far West. It was he who overcame Yakoob Beg and regained Kashgaria.

It

It is he who has been in command on the Kuldja frontier during the troubles with Russia. This may explain why he was one of the most prominent leaders in the movement for the punishment of Chung How for the part he played in the negotiations with Russia.

Tso has been classed as among the most determined of the conservative, reactionary, anti-foreign party. He is thought to have been sternly opposed to making any undue concessions to Russia in the recent troubles. He much preferred war to a costly peace.

There can be no question that he is one of the ablest and most vigorous public men in the Empire, (although

although he is, I believe, fully seventy years of age. It is not uninteresting to note the fact that he has built a woolen factory in the capital of the remote province of Kansuh and imported the machinery from Germany, conveying it hundreds of miles over difficult roads.

What effect the addition of this positive, energetic, man to the Board of Foreign Ministers will have upon the conduct of their business with us it is impossible to say. But the contrast between him and the plausible, smooth-tongued and acute Shen, who recently died, must be very great.

I have the honor to be,

Sir,

Your

Your obedient servant.

James B. Angell

Enclosure.

1. Imperial Decree on the appointment of Tso.

Despatch No. 122.
Enclosure.

13/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 27th ultimo I had the honor to receive an Imperial decree as follows:—

"Let the Grand Secretary of State
"Ko be appointed Superintendent of
"the Board of War, a Member of Our
"Privy Council, and a Minister in our
"Foreign Office Respect This."

It becomes my duty to communicate this decree to H. E.

H. E. James B. Angell,
etc. etc. etc. etc.

Peking, March 2nd, 1881.

Legation of the U.S.
— China —

Washington. March 8. 1881.

For report of the Bureau of the case as Domestic Letter Book. Vol 132 page 438

Hon. James G. Blaine,
Secretary of State,
Sir.

In the early part of 1879 Hon. O. N. Denny then Consul at Tientsin, was instructed to make an inquiry into the circumstances attending the loss of the American ship Forest Belle. After having concluded his inquiry Mr Denny rendered to me an account for his expenses. As the account appeared large and it was not sustained by vouchers, I requested him to furnish them, this he failed to do and up to the moment when I left Peking the account remained unsettled.

For the information of the Department in dealing with this case if it should hereafter come up I have now placed upon a memorandum by the Solicitor which states facts calculated to discredit Mr Denny's accounts, and also copies of my dispatches to

the Envoy and to the Department in relation to the Legations.

The inclosed dispatch to Mr Pethick, Vice Consul at Tientsin, was written when after the Envoy had left Shanghai to take charge of the Consulate General. I had heard unofficially that the Envoy had addressed himself to the Dept. complaining of my action and had received a response You will see that neither his letter to the Dept. nor the instruction which he received was left on file in the Consulate, and that there is no reference to them in the Consular register of letters sent and received.

I spoke of the intention of Mr Angell before I left Peking referring him to the Holcombe Legislation, but upon reflection have felt that justice to the Government and myself required that I should make this further reference to it.

I have the honor to be
Sir Your Obdt. servt
George F. Seward
Con. General at Peking

Department of State,
6th August, 1861.

In view of the representations made to me by Mr. Holcombe that the Memorandum made by himself and mentioned in Mr. Seward's letter was made for the latter's confidential information and was not a paper which with propriety could be filed by Mr. Seward, I have this day permitted Mr. Holcombe to withdraw from file the memorandum referred to. William Blaine

Received this day the Memorandum referred to Christopher Holcombe

Mr. Denny to Mr. Seward,

No. 19. September 2nd, 1879.

Sir:—

I beg to enclose, for your approval, my account for actual expenses incurred by me in the investigation of the "Forest Belle" matter, as per instructions of Mr. Holcombe while acting U. S. Chargé d'affaires.

As this amount ($100.-) has been advanced by me and as I am in need of it, I hope you will draw upon the Government and forward to me at your earliest convenience.

I am now giving my undivided attention to my report in the case which I hope to be able to forward to you before long.

I am, Sir, etc,

(Signed) O. N. Denny.

Tientsin, September 2nd, 1879.

The United States Government.

to C. N. Denny. Consul at Tientsin,
for actual expenses incurred by him
while proceeding to Shanghai,
Foochow, Amoy, Formosa, and
Hongkong to investigate the loss
of the American bark "Forest-
Belle", as per instructions of
Chester Holcombe Esq. U. S. Chargé
D'affaires, dated March 8th 1879.

Dr.

To passage money of self and foreign Interpreter - Mr. Cheshire U. Consul at Foochow	$	306.00
To Hotel bills and other necessary expenses of self, 2 Interpreters, writer, and Ting chai	"	697.00
Total	$	1003.00

Mr. Seward to Mr. Denny.
No 57. September 8th, 1879.

Sir:—

I have had the honor to receive your despatch No 19,— enclosing your account for expenses in making the "Forest Belle" inquiry.

If you will be so good as to send me a detailed statement of the account with vouchers, I will audit and approve it and submit it to the Department for instructions as to its settlement.

Please be so good as to make your report upon the case as soon as possible.

I am, Sir, etc,

(signed) George F. Seward.

Mr. Seward to Mr. Evarts.

No. 473. September 9th, 1879.

Sir:—

I have the honor to hand to you, herewith, Mr. Denny's despatch No. 19, covering an account for his expenses in conducting the "Forest Belle" inquiry and asking me to reimburse him the amount.

As I find upon reference to your instructions that I have no authority to draw upon you to defray the expenses of the inquiry I have responded to Mr. Denny in this sense asking him at the same time to send to me a detailed statement supported by vouchers.

I understand from Mr. Denny's letter that his report upon the case will be received at an early moment.

I have the honor, etc.

(signed) George F. Seward.

Inclosures 1 Mr. Denny to Mr. Seward, Sept. 2, 1879.
2. Mr. Seward " Mr. Denny —.— 8, —.—

Mr. Denny to Mr. Seward
No. 23. October 10th, 1879.

Sir:—

Referring to your despatch No. 57. requesting me to forward to you a detailed statement of my expences in the "Forest Belle" inquiry with vouchers, I am very sorry to inform you that it will now be impossible for me to do so. In Mr. Holcombe's despatch No. 49. requesting me to undertake this thankless business, he said — "It is safe to "assume that the Department of "State will meet the necessary "expenses which may be incurred in "your investigation; your account for "them should be forwarded to me".

As this despatch caused me to doubt the immediate payment of these expenses, I wrote Mr. Holcombe a private note expressing such doubt, when he replied in a like note guaranteeing their prompt payment &c, If Mr. Holcombe's despatch

(had

had requested me to return an
itemized account with vouchers I
would have produced a voucher fo
every copper cash expended; but as it
did not, and as the labor was
entirely voluntary on my part I
did not think it necessary hence did
not take any vouchers.

The only account I am able to
render therefore is the one already
forwarded to you.

Under the circumstances I must
rely on the Department of State
to trust my word for its correctness.

I am Sir, &c.

(signed) O. N. Denny.

Mr. Seward to Mr. Denny.

No. 61. October 13th, 1879.

Sir:

I have the honor to hand to you, herewith, a copy of a despatch which I am addressing to the Secretary of State in regard to your expenses in conducting the inquiry in the "Forest Belle" matter.

I am, Sir, etc.

(signed) George P. Seward.

Mr. Seward to Mr. Evarts.

No 491. October 13th, 1879.

Sir:—

Recurring to my despatch No 478. I have now to hand to you copy of a letter from Mr. Denny declaring his inability to furnish vouchers for the expenses incurred by him in conducting the "Forest Belle" investigation.

This statement of Mr. Denny to the contrary notwithstanding I can see no reason why he cannot supply vouchers for nearly if not quite all his expenses. The steamer companies by whose vessels he travelled and the hotels in which he stopped are in existence and will doubtless supply the needed papers if called upon to do so.

Upon the other hand there is a certain hardship in requiring Mr. Denny to await the action of Congress in the matter. It cannot be foreseen

(what

what delays may occur in Congress
and had Mr. Denny been told in
advance that he must await its
action he would undoubtedly have
refused to proceed upon the miss
I beg leave therefore to ask y
to authorize me if possible to
pay Mr. Denny such expenses as he
may be able to provide vouchers
for and to draw upon the —
department to reimburse myself
for the outlay.

Mr. Denny's report and the
accompanying papers are being copie
as rapidly as possible and will
be forwarded as soon as they are
completed.

I have the honor to be
(signed) George K. Seward.

Mr. Seward to Mr. Denny
No 77. February 21st, 1880.

Sir:

I beg leave to hand to you, herewith, a copy of a despatch which I have received from the Department of State, No. 326. of December 5th last — authorizing me to pay your expenses in conducting the "Forest Belle" inquiry.

I am, Sir, etc,
(signed) George F. Seward.

Enclosure.
1 Mr. Evarts to Mr Seward.
No 326 December 5th, 1879.

Mr. Denny to Mr. Seward.

No. 36. February 23rd, 1880.

Sir:—

I have the honor to acknowledge the receipt of your despatch No. 77. with its inclosure, relating to the payment of expenses in conducting the "Forest Belle" inquiry.

I am, Sir, etc,

(signed) C. N. Denny.

Tientsin, February 23rd, 1880

My dear Mr. Seward.

In regard to the payment of the "Forest Belle" expenses, if you will be good enough to take my own vouchers, I will send them to you at once, otherwise we will let the matter rest where it is. If Mr. Holcombe had his money, I would not cause any more trouble on this score.

Very truly yours

(signed) O. N. Denny.

Peking, February 25th, 1880.

My dear Mr. Denny,

Your note of the
rd inst. in regard to the "Forest Belle"
quiry account is at hand.

I am authorized to pay you
ch amount as you provide vouchers
r. Your own receipt would not meet
he instruction, and it would not
accepted by the Department under
he rules which govern in such cases.
f I should pay you on your receipt
ly I should have the sum charged
Washington to my individual
count.

If you have not already got
he vouchers together, the best plan
ill be to procure them as soon as
ossible. There is no reason why you
hould not recover your expenses while
the Government service, and no
eason why, under the circumstances,

you

you should ask Mr. Holcombe to wait for the amount which he advanced to enable you to prosecute the inquiry.

Yours very truly,

(Signed) George F. Seward.

Mr. Seward to Mr. Pethick.

No. 84. April 21st, 1880.

Sir:—

Will you be so good as to inform me whether an instruction regarding the expenses of the "Forest Belle" inquiry has been received by you from the State Department or is on file in your office. If so please be so good as to furnish me with a copy of it and of the letter to which it is a response.

I am, Sir, etc.

(signed) George F. Seward.

Mr. Pethick to Mr. Seward.

No 4. April 22nd, 1880.

Sir:-

In reply to your despatch No 84. just received, I have the honor to inform you that I have received no instruction from the Department of State regarding the expenses of the "Forest Belle" inquiry, nor can I find any correspondence regarding that subject on file in this office.

I am, Sir, etc,

(signed) Wm N. Pethick

RECEIVED
MAR
19
1881
DEPT OF STATE

File

Cable

Secretary State
Washington

Please grant leave absence.
Necessary visit America...
Per despatch November Sixth 11;
Minister approves. Please cable
answer.

Holcombe.
Shanghai.

No 123.

DEPARTMENT OF STATE
MAY 16 1881
RECEIVED

Legation of the United States.
Peking, March 19th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Acknowledgment of despatches.

Synopsis.

Acknowledges the receipt of despatches. Nos 57. 58. 59. and 60.

No 123.

DEPARTMENT OF STATE
MAY 16 1881
RECEIVED

Legation of the United States.
Peking, March 19th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Acknowledgment of despatches.

Synopsis.

Acknowledges the receipt of despatches Nos 57. 58. 59. and 60.

No. 123.

Legation of the United States,
Peking, March 19th, 1881.

Honorable William M. Evarts,
Secretary of State,

Sir:—

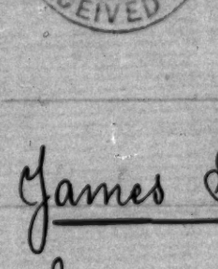
I beg to acknowledge the receipt on March 17th of your despatches, Nos 57. 58. 59. and 60.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell

Note + instruct Consul at Hongkong as suggested by Min. to Denby Min. C.F. made

Instructed Con. at Hong Kong May 20/81 / Instruction To Min to Denby May 26. 1881 / M. Cr'd Nov

No. 124.



Legation of the United States.

Peking, March 19th, 1881.

James B. Angell to the Secretary of State.

Subject.

Wreck of the "James Bailey".

Synopsis.

Explains why further information was not given earlier. Comments on the remissness of the Consuls at Canton, and suggests the advisability of having the Consul at Hongkong instructed to report cases of marine disaster in Chinese waters, to the Consulates concerned or to the Legation.

No. 124.

Legation of the United States.

Peking, March 19th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:—

In my despatch No. 99. of November 20th, 1880, I informed you of the wreck of the "James Bailey" on the island of Hainan and expressed the hope that I should learn further particulars from our Consul at Canton or our Consul at HongKong. To my surprise after waiting for weeks I received no communication from any of our Consuls in Southern China. Accordingly on January 12th I wrote

to

to the Consul at Canton. I have just received a reply from him and learn that both he and his predecessor have communicated concerning the case directly with the State Department. So you are in possession of all the facts I have. But I wish you to understand why I have been unable to give you earlier information.

Since this is a case which might need diplomatic consideration here, it is surprising to me that it should not have occured to either Mr. Lincoln or Mr. Scruggs to write me about it. It is only when five months since the wreck have elapsed and on my special inquiry that I have received a syllable from our own Consulate on the matter, although

although by the courtesy of the British Minister I was at the outset promptly informed of the wreck by the despatches of the British Acting Consul at Kiungchow.

I have felt it my duty to express to Mr. Consul Scruggs my surprise at this failure on the part of himself and Mr. Lincoln to communicate with me, and to request that in similar cases in the future this Legation be promptly informed.

This case suggests to me another point, which I deem worthy of the consideration of the Department. It appears that Mr. Consul Morley at Hongkong received news of the wreck, as was natural, before the Consul at Canton, and took action. There is a large region on the coast of Southern

China

China and in the waters adjacent, in which if a marine disaster or an attack by pirates occurs, the tidings may and probably will reach the Consul at Hongkong before they reach the Consul at Canton, or at Swatow, or at Amoy, or at Foochow, in whose jurisdiction the scene of the disaster may lie. Now the Consul at Hongkong does not report to our Consul General at Shanghai, nor to this Legation. He may have in his possession important information concerning cases which must ultimately receive diplomatic handling here. Would it not be conducive to the public interests to have him instructed to communicate promptly such information to the Consul in whose jurisdiction the event occurred or to the Consul General

(at

at Shanghai or to this Legation?

I have the honor to be,

Sir,

Your obedient servant.

James R. Sewell.

RECEIVED
MAR
22
1881
DEPT OF STATE

wadee

Cable

Secretary State
Washington.

Can leave be granted
Anxious to sail tomorrow
Holcombe.
Shanghai

Granted
Blaine
Secretary

Sent Mar. 22. 1881
TM

Ack & forward letter C.P.

Confidential

No. 125. One Enclosure.

Forward letter requesting copies for the files. May 18. 1881 The Editor

Legation of the United States.

Peking, March 26th, 1881.

James B. Angell to

the Secretary of State.

Subject.

Request of College Presidents to Li Hung Chang not to withdraw the Chinese students from America.

Synopsis.

Forwards the Memorial of the Presidents of Colleges in America to Li Hung Chang, and the latter's reply, under flying seal, through the Department as likely to prove useful and interesting.

Confidential.

No. 125. One Enclosure.

Legation of the United States.

Peking, March 26th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:—

At the request of several College Precidents and Principals of eminent schools in the United States I recently forwarded to the Viceroy Li-Hung-Chang, a communication signed by them, urging him not to withdraw the Chinese students from our country. His reply is interesting, and it has occurred to me that possibly in some contingencies the Department might be able to second what is understood to be the desire of the Chinese Ministers to the United States

to

to give the experiment of training the Chinese students in America a full and fair trial. I have therefore thought that it would be proper and perhaps interesting to the Department, if I transmit the correspondence with the Viceroy, under flying seal, through you to the Rev. Mr. Twichell of Hartford.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosure.

Memorial of President Porter, Dr. Woolsey and others to Li-Hung-Chang.

Enclosure
Despatch No 126.

The Undersigned, citizens of the United States, entertain and have ever avowed sentiments of goodwill toward the Chinese Government and the Chinese people.

A report has come to us of the possible recall of the Chinese Educational Mission to the United States, before the time contemplated in its original plan. We desire to express the earnest hope that this report is unfounded.

To be convinced that it was true would cause us profound regret.

The arrival of the mission in this country in 1872, was to us an event of extraordinary interest.

It was with the deepest gratification that we saw an enterprise so meritorious, so liberal, so creditable to its authors, entrusted to our protection and co-operation.

The scheme it announced seemed to us altogether admirable in its adaptation to secure the ends in view.

We congratulated the Imperial

Government

Government on the illustrious wisdom and enlightened wisdom therein exhibited.

The progress of the Mission during the past eight years has been under our observation.

In our careful judgment it has been marked by a degree of success that, thus far, wholly approves that wisdom and foresight.

No students in the United States have, as a body, made a more diligent, faithful use of their advantages than the students of the Chinese Educational Mission. None have made more rapid attainment in scholarship, or displayed more promise of future usefulness. None by their abilities and good conduct have gained a larger share of public and private esteem.

In a foreign land they have brought honor to their nation, the thought of whose honor has ever appeared to furnish them a chief incitement to duty.

It cannot be doubted that the presence of this institution in the United States has contributed to produce and foster those just and friendly feelings toward

toward the Chinese Government and the Chinese people, that prevail with the majority of our citizens of the highest intelligence and character.

Our opinion is that the enterprise should be no means be abandoned at this stage.

It would forfeit the special benefits which it was designed and which it promises to bring to the Imperial Government. It would terminate a happy occasion of mutual understanding and sympathy between large classes of learned men in China and in the United States.

For both these reasons it is our earnest hope that the Chinese Educational Mission will remain among us till its original plan is carried out.

Again we say that we should regard its recall with extreme regret as most undesirable for all parties concerned.

(signed) Noah Porter.
President of Yale College, New Haven, Conn.

Theodore Dwight Woolsey
Ex President of Yale College

(signed) Leonard Bacon.

Professor in Yale College.

" S. Wells Williams,

" Charles W. Eliot

President of Harvard University. Cambridge Mass.

" Julius H. Seelye

President of Amherst College. Amherst Mass.

" W. C. Cattell

President of Lafayette College. Easton, Pa.

" R. A. Lamberton

President of Lehigh University St. Bethlehem

" John M. Ordway

Chairman of the Faculty of Massachusetts Institute of Technology Boston.

" David M. Greene

Director etc, Rensselaer Polytechnic Institute Troy. N. Y.

" Geo J. Brush

Executive Officer, etc. Sheffield Scientific School of Yale College

" Joseph W. Fairbanks

Principal of Williston Seminary. Easthampton

" Robert P. Keep

Instructor in Greek, Williston Seminary

" W. L. Cushing

Rector Hopkins Grammar School, New Haven

" Cecil F. P. Bancroft

Principal Phillips Academy, Andover

(signed) William Hutchison
Principal Norwich Free Academy.
" Albert C. Perkins
Principal Phillips Exeter Academy.
" Joseph Hall
Principal of Hartford High School.

Legation of the United States.

Peking, March 26th/1881.

Rev. J. H. Twichell,

Hartford, Conn.

Dear Sir:

I received in due time your letter of December 23rd/, last covering a communication from President Porter, Dr. Woolsey and other distinguished men to His Excellency Li-Hung-Chang, urging him not to withdraw from America the Chinese Students who had been sent there through his instrumentality.

You may be assured that I took great pleasure in covering the paper with a letter to the Viceroy and forwarding it.

I have very promptly received a reply, a copy of

which as also of my letter to the Viceroy I herewith enclose.

You will see that his answer is very hearty and frank. The Viceroy has recently contracted for a line of telegraph from Shanghai to Tientsin and thence to Peking and also to Paoting fu, the capital of this Province.

He is also busy in perfecting the coast defences of Northern China. He may therefore well need the services of some of his young men, who are in the United States.

He has evinced the greatest interest in them in conversations with me. The members of the Tsung-li-Yamen, the Foreign Office here, have also inquired of me about them.

Perhaps not until one comes here can one appreciate

how absolutely indispensable it is for a Chinaman, however learned in Western science, to be master of his own classics, if he is to command respect or exert influence.

This should be remembered in judging the Chinese officials who cherish solicitude lest the students may, during their long absence from home, fail to keep up their study of their own language and literature.

But it will soon be seen that no hasty action is to be taken.

Yours very respectfully.

James B. Angell.

Peking, March 1st, 1881.

To His Excellency Li-Hung Chang.
etc. etc. etc. etc.

I have the honor to send you herewith a communication, which the distinguished Scholars, whose names are subscribed to it, have requested me to forward to you. The signers are the Heads of several of the most important Schools and Colleges in the United States. Their opinion upon any educational subject would have the greatest weight in that Country.

Some of them are personally acquainted with your Chinese Students. All of them have had the means of knowing how much honor your Young Men have reflected, by their

success in their studies and by their excellent demeanor, not only on themselves, but also on their country, and on Your Excellency, to whose intelligence and liberality their visit to our country is due.

I am sure that the sentiments expressed in the letter I forward to you are shared by the scholars generally in America.

I venture to express the hope that you will give to the communication of these distinguished men your most careful and favorable consideration.

I gladly avail myself of this opportunity to express to your Excellency the sentiments of distinguished consideration with which.

I am, etc. etc. etc.

(Signed) James B. Angell.

Tientsin, March 4th 1881.

To His Excellency,
James B. Angell.
etc. etc. etc.

The writer has this moment received Your Excellency's letter transmitting to him a communication from the Professors of the principal Educational Establishments in America in which they express their regret at the contemplated recall of the Chinese students from that Country before the comple=-tion of their studies and the full term which it was originally intended they should remain, especially as these students had made con=-siderable progress in learning etc. etc.

The letters amply exhibit the kindly feeling and deep interest felt by Your Excellency as also the staunch friendship shown by the distinguished scholars of Your country in your earnest wishes to see China benefitted and prospered by the gradual education of her subjects in Western knowledge. The writer is overwhelmed with admiration and gratitude for these kind sentiments.

When the writer and his colleagues first proposed that a Chinese Educational Mission be send abroad to acquire Western knowledge, the original purpose was identical with the idea entertained by Your Excellency and the other eminent scholars of America, and he was much gratified to learn sometime afterward that the

students were the recipients of much kindness and attention at the hands of all classes of your distinguished countrymen treatment, indeed, which can only be attributed to the extraordinary friendship existing between our respective countries.

In several letters which have lately been received from the head of the Mission, this gentleman expresses himself in the following terms; "The boys were sent abroad at a very early age, before they had studied much of their own language, and as their residence abroad is being somewhat prolonged it is to be apprehended that they will not be of much use in the service of their country in consequence of their education in the

language and literature of China being neglected". It is therefore proposed to recall them by degrees to instruct them in the literature of their own country that they may have a good practical acquaintance with matters both in Chinese and English.

Another reason is that China is now engaged in forming her navy and purchasing iron-clads, and she requires men versed in English to attend to the work of her various arsenals, telegraph, and torpedo establishments. Although the students in questions may not have had time to acquire any great proficiency, it is hoped they will be of service to the above named establishments to which it is proposed to attach them.

Hence the necessity for bringing

them home to be tried in the above capacity. Finally, the expenditure required for the maintenance of the Educatin=al Mission abroad has of late years been somewhat difficult to provide. It is for the fore=going reasons that it has been proposed on consultation to recall the students by degrees.

The receipt of Your Ex=cellency's letter conveying the estimable sentiments of useful advice addressed to us, prompts us to consider the advisability of requesting Chen-lan-pin, our Minister at Your Court, in concert with Yung Wing, the Assistant Minister, and the Head of the Educational Mis=sion to carefully consider the subject and arrive at a satisfactory solution of it.

It is difficult however to determine hastily what decision

will be reached, whether one half of the Students will be re-called and the other half allowed to remain, to enable those who have been admitted into the higher schools to complete their education, that the Country may receive the benefit of their thorough instruction.

The writer will be greatly obliged to Your Excellency to convey to each of the gentleman who have addressed him, his thanks for their generous sentiments, and to ask in his name that the Studies of the boys who now remain in the schools be carefully superintended so that every one of them may be brought to know that his duty requires him to study with diligence.

Thus the abilities of the Masters and the pains taken by them will be

the means of bringing credit to China through their pu-
-pils.

In writing this special reply the writer avails him-
-self of the occasion to wish Your Excellency daily happiness.

(Signed) Li Hung Chang.

Ack + approve

Wilder

Letter sent to press May 20. 1881 Mr. Crisfield

No 126. Three Enclosures.

DEPARTMENT OF STATE
MAY 16 1881
RECEIVED

Legation of the United States

Peking, March 26th, 1881.

James B. Angell to

the Secretary of State.

PRINTED. FOREIGN RELATIONS 1881

Subject.

The assassination of the Emperor of Russia.

Synopsis.

Forwards copies of correspondence with Mr. Koyander, the Russian Chargé d'Affaires, on the occasion of the assassination of the Emperor Alexander II.

The Foreign Ministers expressions of sympathy with Russia.

No. 126. Three Enclosures.

Legation of the United States.

Peking, March 26th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

The news of the assassination of the Emperor of Russia reached Peking on the 28th instant.

I called at once on Mr. Koyander, the Russian Secretary, now in charge of the Legation, to express my sympathy. In view of the very cordial relations which have so long existed between the United States and Russia, I deemed it fitting to address to Mr. Koyander the note, a copy of which I enclose. 1/26.

I

2/126. I also forward a copy of the reply of Mr.
3/126. Koyander (in French) and a translation
of it.

On the 24th instant at 1½ p.m. the Diplomatic
Body, by invitation of Mr. Koyander, attended
a funeral service in the chapel of the Russian
Legation. The service was conducted by the
Archimandrite resident at Peking.

The Foreign Ministers here have agreed
to keep their flags at half-mast for ten
days to give public expression to their
sympathy with Russia.

I have the honor to be, Sir,
Your obedient servant.
James R. Angell

Enclosures.

1. Mr. Angell to Mr. Koyander, March 24th.
2. Mr. Koyander to Mr. Angell, March 25th.
3. Translation of Mr. Koyander's note.

Enclosure 1.
Despatch № 126.

Mr. Angell to Mr. Koyander.

Peking, March 24th, 1881.

Dear Sir:—

I need not say how shocked I was in common with all my Colleagues in hearing last evening of the assassination of His Imperial Majesty Alexander II.

I can assure you even before I hear from home that the news has caused profound sorrow throughout the length and breadth of my country. For although the relations of Russia and the United States have always been most cordial, ~~they have~~ been especially so during the reign of the late Emperor. Three events have contributed to this. First, our admiration and sympathy were awakened by that great and courageous act, the emancipation of the serfs, which was followed two years later by the similar act of the emancipation of the slaves in the United States. Secondly. His Imperial Majesty proved himself one of the best

friends

friends we had in Europe during the terrible days of our civil war. His noble attitude at that time won for him the deep and imperishable affection and gratitude of my countrymen. Thirdly, the negotiations of the two countries concerning the transfer of Alaska were conducted in a spirit which was most amicable and hearty.

Certain European writers have speculated not a little on the causes of the firm friendship between the great Empire of the East and the great Republic of the West. But whatever the cause, the fact is one in which my countrymen rejoice, and therefore the grief in the United States at the deep affliction which has come upon Russia will be universal and profound.

I have felt that I should hardly be true to my duty as a representative of the Government and people of the United States, if I did not indicate to you, however inadequately, their sincere sorrow and sympathy in this sad hour.

I am, etc. etc.

(signed) James B. Angell.

Enclosure 2.
Despatch No 126.

Legation de Russie
en Chine

Pékin, 13/25 Mars, 1881.

Monsieur le Ministre,

Je me hâte de faire parvenir à Votre Excellence mes remercimens les plus empressés pour la lettre pleine de cordialité et de sympathie qu'Elle a bien voulu m'adresser hier à l'occasion de la terrible nouvelle qui vient de nous parvenir du décès de Sa Majesté l'Empereur — Alexandre II., le Souverain bien aimé de mon Pays.

Je ne doute pas, Monsieur le Ministre, que le crime odieux qui a été commis à St Petersbourg, ne soulève partout une profonde indignation, mais surtout aux Etats-Unis dont le Gouvernement et le peuple, ainsi que Vous le relevez avec autant de justesse, ont de tout temps été unis par des liens de sympathie et d'amitié

sincères

sincères à l'Empire de Russie. Je me souviens encore de la pénible et douloureuse émotion qui a été produite parmi mes compatriotes par la nouvelle de la mort tragique et prématurée du Président Lincoln — ce grand citoyen de la République qui a succombé en combattant pour la gloire et la grandeur de sa Patrie. La Russie vient d'être frappée d'un malheur semblable dans la personne de son Souverain bien aimé. Au milieu de notre deuil national, les témoignages de sympathie de la part des peuples étrangers seront certainement appreciés à leur juste valeur par mes compatriotes et contribueront puissamment à consolider les liens d'amitié qui unissent la Russie aux autres contrées et plus particulièrement à la grande République des Etats Unis.

Plein de reconnaissance pour les sentiments que Vous avez bien voulu exprimer dans Votre lettre, je Vous prie, Monsieur le Ministre d'agréer les assurances de ma haute considération et de me croire.

Votre respectueusement dévoué,

(signé) A. Koyander.

Enclosure 3.
Despatch № 126.

Translation of Mr. Koyander's note to Mr. Angell.

Legation of Russia
in China.

Peking, March 13/25, 1881.

Dear Sir,

I hasten to communicate to Your Excellency my warmest thanks for the letter, full of cordiality and sympathy which you were pleased to address to me yesterday on receiving the terrible news of the death of His Majesty, the Emperor Alexander II, the beloved sovereign of my country.

I do not doubt that the hateful crime which has been committed in St. Petersburg will awaken everywhere deep indignation, but especially in the United States, whose Government and whose people, as you say with so much justice, have always been bound by ties of sincere sympathy and friendship to the Empire of Russia. I remember still the painful and sad emotion which was produced among my countrymen by the news of the tragic and premature death

of

of President Lincoln, that great citizen of the Republic who fell contending for the glory and the greatness of his country. Russia has just been smitten with a similar misfortune in the person of her beloved Sovereign. In the midst of our national grief, the expressions of sympathy by foreign nations will certainly be appreciated at their true value by my countrymen and will greatly contribute to strengthen the bonds of friendship, which unite Russia to other countries, and more especially to the great Republic of the United States.

Filled with gratitude for the sentiments which you have been pleased to express in your letter, I beg you to receive the assurance of my high consideration and to believe me —

Yours truly and respectfully

(signed) A. Koyander

To His Excellency

Mr. James B. Angell

Minister of the United States

etc. etc. Peking.

Ack. sent to Light House Board / to Navy Dept for Hydrographic Office / to Bd of H. Rep't Office / Light House Board, May 19, 1881 / Medical report to Surgeon General May 19, 1881. / Medical Report to Surgeon General May 19, 1881. Sent

No 127.

DEPARTMENT OF STATE
MAY 16 1881
RECEIVED

Legation of the United States.

Peking, March 26th, 1881.

James B. Angell to the Secretary of State

Subject.

Transmitting Customs Documents.

Synopsis.

Forwards one copy of the "List of Lighthouses, light-vessels, buoys, and beacons, for 1881.", and two copies of "Medical Reports for the half-year ended 30th September, 1881."

No. 127.

Legation of the United States.

Peking, March 26th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:

I send you by this mail the following documents issued by the Chinese Imperial Maritime Customs.

1. One copy of the "List of the Chinese Lighthouses, Light-vessels, Buoys, and Beacons for 1881."

2. Two copies of "Medical Reports for the half-year ended 30th September, 1881."

I have the honor to be,

Sir,

Sir,

Your obedient servant.

James R. Boyd

File

No. 128.

Legation of the United States.
Peking, March 28th, 1881.

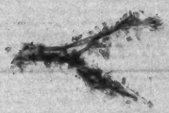
James B. Angell to
the Secretary of State.

Subject

Acknowledgment of despatches and documents.

Synopsis.

Acknowledges the receipt of despatches Nos 61. 62. 63. 64. and 65., and volumes of Commercial Relations for 1878, and Protocols of the International Sanitary Conference, and the Statutes of the United States passed at the 2nd Session, 46th Congress.



No. 128.

Legation of the United States.

Peking, March 28th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I have to acknowledge the receipt of your despatches numbered 61. 62, 63. 64. and 65. and also 2. vols. of Commercial Relations for 1878. and Protocols No. 1 and No. 2. of the International Sanitary Conference of Washington, and the Statutes of the United States passed at the 2nd Session, 46th Congress.

I have the honor to be, Sir,

Your obedient servant,

James R. Angell

File

made

No 129.

Legation of the United States.
Peking, March 28th, 1881.

James B. Angell to
the Secretary of State.

Subject.

The Ward and the Heenjen claims.

Synopsis.

States that there is no further progress to report since despatch No 114. of February 15th last.

No. 129.

Legation of the United States.

Peking, March 28th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In reply to your No. 64. Janv. 26. 1881. calling for information concerning the result of my application to the Chinese Government for the payment of the Ward and the Kreyer claims, I have to say that my despatches on the subject have probably reached you, and that I have no further progress to report since my despatch No. 114. of February 18th last.

I have the honor to be, Sir,

Your obedient servant,

James B. Angell.

File

No 130.

DEPARTMENT OF STATE
JUN
13
1881
RECEIVED

Legation of the United States,
Peking, April 9th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Receipt of despatches, &c,

Synopsis.

Acknowledges the receipt of despatches No 66, 67. 68. and 69. and of 100 passport forms, and Document No 26. 46th Congress, 3rd Session.

No. 130.

Legation of the United States.
Peking, April 9th, 1881.

Honorable William M. Evarts,
Secretary of State,

Sir:

I have the honor to acknowledge the receipt today of your despatches numbered 66. 67. 68. and 69., and also of a package of 100 passports, and also of Ex. Document No. 26. 46th Congress, 3rd Session.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

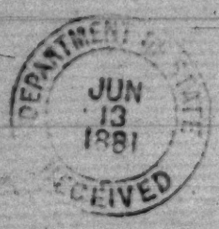
Notes. approving June 20. 1881. Mr. Cutler

Mr. Holcombe also. June 20. 1881. Mr. Cutler

+ approve

made

No. 131.



Legation of the United States,
Peking, April 9th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Appointment of Mr. Taylor as Acting Interpreter.

Synopsis.

Announces the departure of Mr. Secretary Holcombe and recommends the temporary appointment of Mr. Taylor as Acting Interpreter.

No. 131.

Legation of the United States.
Peking, April 2nd, 1881.

Honorable William M. Evarts,
Secretary of State,

Sir:—

With my approval Mr. C. Holcombe, Secretary of Legation, left here March 10th for Shanghai, hoping to meet on his way or to find there a despatch from the Department, granting him leave to go to the United States for a few months. He writes me that he has received permission by telegraph, and I learn that he sailed from Shanghai on the 24th ultimo.

By

By the authority vested in me I have therefore appointed, subject to the approval of the President, Mr. C. S. Taylor Acting Interpreter to discharge the ordinary duties of Secretary and Interpreter during the absence of Mr. Holcombe. Mr. Taylor has been for some months employed by Mr. Holcombe in the office as an Assistant, and is, I think, competent for the work which will fall to him.

Guided by the Department's despatch No. 367, April 22nd, 1880, to my predecessor, I have said to Mr. Taylor that I suppose his salary will be at the rate of $2.000. per annum. As Mr. Holcombe's salary is during his absence diminished by that sum, the aggregate expense to the Government

Government is not increased. The labors are so onerous that I trust the Department will authorize the payment of the salary of $2000 a year to him. I therefore respectfully ask that his appointment as Acting Interpreter for this temporary service at that compensation be made by the President, dating from March 10th 1881, when his labors actually began.

I have the honor to be,

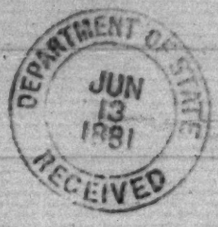
Sir,

Your obedient servant.

James R. Nagell

Ack + refer to Statist. Bur.
C. P.

No 132.



Legation of the United States.
Peking, April 9th, 1881.

James B. Angell to
the Secretary of State

Subject
Customs Documents.

Synopsis.
Forwards Customs Gazette for the Quarter October - December 1880.

No. 132.

Legation of the United States
Peking, April 9th, 1881.

Honorable William M. Evarts,
Secretary of State.

Sir;—

I herewith forward to you two copies of the Customs Gazette of China for the quarter, October—December, 1880.

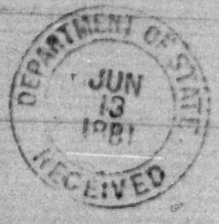
I have the honor to be,
Sir,
Your obedient servant,
James B. Angell

Is there a vacancy? L. P.

Acted. no vacancy June 18/84 Mc Critter

No 133.

One Enclosure.



Legation of the United States,
Peking, April 9th, 1881.

James B. Angell
to
the Secretary of State.

Subject

B. R. Lewis's Application to be reappointed Consular Clerk,

Synopsis.

Forwards a copy of Mr. Lewis's communication asking to be reappointed Consular Clerk at Shanghai, and recommends it to the favorable consideration of the Department.

No. 133. One Enclosure.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I herewith enclose a copy of a communication which I have received from Mr. Burge Raole Lewis, who desires to be reappointed to the office he once held of Consular Clerk at Shanghai. 1/133.

The Department is familiar with the circumstances which led to his resignation. I have reason to believe that Consul General Denny, in whose office Mr. Lewis is employed, deems

him

him a valuable clerk and worthy of the position which he once held and desires again to occupy. The work at the Consulate General in Shanghai is heavy, and I take pleasure in recommending Mr. Lewis's application to the favorable consideration of the Department.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosure.
Mr. B. R. Lewis's communication to Mr. Angell.

Despatch No 133.
Enclosure

Mr. Lewis to Mr. Angell.
March 17th, 1881.

Sir:—

I respectfully beg leave to lay before you the following facts:—

On the 16th of June, 1863, I entered the United States Consulate at this port as clerk, and in October of the same year I was advanced to Deputy Consul, while holding this office, I was examined for and received the appointment of Consular Clerk in Oct. 1866, which I resigned in Febry, 1871, for reasons which have been fully ventilated in the late investigation before the House Committee on expenditures in the State Department.

In 1873, I went to Washington and endeavored several times to bring the matter to the notice of the Government, but failed for want of influence, Since I left this office in 1871, I have been variously engaged, once as Consular Agent at Wainan, and later as V. Consul at Hiogo and Osaka, when I was in charge of that office after the death of Dent.

Turner

Turner, In 1877. I was again engaged in this Consulate General by Mr. Wells. In 1878. I was subpœned before the House Committee above referred to and went to Washington, on leave of absence granted by the State Department for that purpose. In 1879. having been discharged from attendance by the Committee, I was ordered by the State Department to "return to my post at Shanghai and report in person for duty". Mr. Bailey who was then Consul General, refused to receive me although frequently instructed so to do by the State Department, I remained idle until Mr. Denny assumed charge of this office.

Although I am employed in this Consulate General I hold no commission or appointment from the Home Government, and my object in bringing these facts to your notice is to ask your kind assistance in recovering for me my former position as Consular Clerk resigned as above set forth.

I am, etc.

(signed) Berge Raole Lewis.

Referred as Directed June 20. 1881 M. Curtis

Look & think as interesting. C. F.

made

No 134. Two Enclosures.

Legation of the United States.
PeKing April 9th, 1881.

James B. Angell, to
the Secretary of State,

Subject,
Railways in China.

PRINTED.
FOREIGN RELATIONS.
1881

Synopsis.

Forwards two interesting Memorials by High Officials recommending the introduction of railways. But states that opposing influences have prevailed for the present.

No. 134. Two Enclosures.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir;—

I forward you herewith two very interesting papers on the subject of railways in China.

The first is a Memorial 1/134. of General Liu Ming Chu'an to the Empress Dowager and the Emperor recommending the construction of railways for excellent reasons which he sets forth very clearly. This General has for many years been conspicuous for his valuable military services, and is on terms of

special

special intimacy with Li Hung Chang. It is not improbable that the Memorial was inspired by the Viceroy. I think it was presented early in the winter. It is understood that one of the Censors reported stoutly against the Memorial, and that consequently it was received at first by Their Majesties with disfavor.

Soon after however it was referred to the Northern and Southern Superintendents of Trade, Li Hung Chang and Liu K'un yi (of Nanking) for consideration and the second paper enclosed is their report. I think you will find it a very lucid and cogent document. Probably no Chinese paper has ever before set out so forcibly the advantages which the introduction of a system of railways would bring to this

2/134.

Empire

Empire, I have reason to believe that for a time this winter Li Hung Chang was very hopeful that the general plan would be approved and a line from Chinkiang to Peking would soon be begun. But the Emperor has decided that no action shall be taken at present. I am inclined to believe that railways will be built only under the pressure of some great military exigency. But they will come sooner or later.

I have the honor to be,

Sir,

Your obedient servant,

James R. Lowell

Enclosures.

Two Memorials on the introduction of railways into China.

Despatch No. 134.

Inclosure 1.

Memorial of Liu-Ming Ch'uan, a general in the Chinese army, in retirement, recommending the immediate introduction of railways as a means of augmenting the power of the country.

Your Majesties' slave, Liu-Ming-Ch'uan etc. etc. upon his knees addresses the Throne:—Looking upward, he implores the glances of Your Sacred Majesties upon a memorial, reverently prepared, shewing that as the situation of the Empire is daily becoming more critical, and as difficulties from without are pressing harder upon us day by day, immediate consideration should be given to the question of introducing railways as a means whereby to augment the power of the Empire.

Your slave's merits sink into insignificance when compared with the abundant favors which have been bestowed upon him. Since his withdrawal from the

the army, in consequence of illness, Your slave, in the retirement of his garden-home, has always studied the relations between China and foreign countries, with the result that he has often been awaked and brought to his feet in the hours of night to find his eyes streaming with tears from anxiety. He feels mortified at the thought that all his dog or horse-like* exertions are inadequate to repay one ten-thousandth part of the favors which he has received.

Recently he had the honor to be summoned by Your Majesties, and in contempt of his sickness came to the Capital. On his arrival, he was further honored by being summoned into the Imperial presence when he received full and complete instructions, his gratitude and respect for which Your slave cannot find words to express.

Your slave conceives it to be the duty

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* A mode of expression designed to humble oneself when speaking of favors received. (The dog can watch its master's house and the horse can draw or carry burdens for him.)

duty of an officer towards his sovereign to speak when he learns anything that should be known to his master, and, acting on this principle, he feels it his duty, with all diligence, respectfully to submit to Your Imperial Majesties, The Empress Dowager, and The Emperor, that the introduction of changes are matters which are attended with the gravest embarrassments, and the adoption of measures which may result in benefit or injury to the country are considerations of the gravest importance.

The troubles which have beset China since she removed the bolts and opened her doors to engage in trade with foreign countries are by far more numerous and embarrassing than anything she has had to meet from her enemies since the earliest ages. These foreigners, in their dealings with us, are ever ready on the smallest pretext to create a dispute whereby they may deceive and oppress us, and when there is a quarrel between any one of them and ourselves, the others press around and eagerly watch for an opportunity.

Russia's

Russia's Southern frontier (in Asia) is very extensive, so much so that it is contiguous to and interlocked with our Northern, Eastern, and Western frontiers; we feel her grip on our throat, and her fist upon our back, and our contact with her is a source of perpetual uneasiness to our hearts and minds. But our long season of weakness and inaction disables us from making a show of strength and our only alternative therefore is to patiently bear insult and obloquy. When a quarrel occurs we have to yield to her demands, and make a compromise regardless of money, in order to avert the dangers of war. It must be remembered, however, that a long-enduring peace between two countries is a thing that cannot be relied upon as a certainty, and that the wealth of a nation is not unbounded; if we make no departure from our present conservatism, what strength can we hope to acquire?

There are those who speak thoughtlessly of going to war. In this connection Your slave would beg to observe, that the essential

point

point before going to war is to ascertain the condition of the enemies forces. Russia has built railways which run from Europe to the neighborhood of Kao Kan, and she purposes to build one from Kai-shen-wei to Kai-chi'un, and the reason why she did not proceed to send troops, recently, when the quarrel with us commenced, is, not that she feared to encounter our soldiers, but that her railways were not quite completed. Your slave foresees that before ten years are passed, some immeasurable disaster may be looked for from that quarter.

Now, Japan is an extremely small country, like a pill. Her rulers, however, have adopted Western mechanical arts, and relying on her possession of railways, she attempts now and again to be arrogant like a mantis when it assumes an air of defiance, and to despise China; and gives us no small amount of trouble on the smallest pretext.

Your slave is much grieved and distressed

distressed when he thinks that if the present time is allowed to go past without measures being taken to strengthen our country, how vain it will be to repent when it is too late.

Although it is true that the proper way to proceed to strengthen our country is by drilling troops, and manufacturing arms, etc, regularly in their turn, yet, it must be confessed that the immediate construction of railways will be the mainspring of our country's strength.

It would be difficult to enumerate all the advantages that will be derived from the possession of railways; such, for instance, as facilitating the transportation of the grain tax, affording prompt and effective communication in the distribution of relief, the extension of commerce, the furtherance of mining operations, the suppression of Lekin stations, and the improved system of travelling; but the principal advantage that will be derived from them, is the more effective method of transporting troops, and this consideration

renders

renders it important that their introduction should not be delayed.

The area of China's territory is very great. Her Northern frontier stretches out to a length of 10.000 lí, and is conterminous to the confines of Russia; moreover, there are foreigners of many nationalities resident at the Treaty ports, who are engaged in trade with our people. To draw a line on our frontier and guard it against invasion, is a matter which, in spite of our desire, we are unable to do. "Although we ride about on a fleet horse, and do not spare the whip, we are unable to come up in time".* If railways are built all parts of the country, N. S. E. & W. will be within easy communication, and in case of war we can form our plans according to our observations of the enemies movements. It will be easy to come to a given point in a few days although the distance be 10.000 lí, and a million troops can be brought together at one call; and such irregularities

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* Met. for - Our movements are too slow to guard the vast extent of our country.

irregularities as confusion and hurry when troops are ordered to move and obstructions and delays in the transport of materials and supplies, and similar vexations & embarrassments will be removed. The strength of an army consists in its troops being united, and a state of division means weakness.

China numbers 18 provinces, her troops are not few, nor are her supplies insufficient; but the troops and supplies of each province are under the control of its high provincial officers. The affairs of each province being thus confined to its own limits, the result is the division of interests that should be united in one mutual and common concern. In case of war each province has barely time to concert its own plans, and when called upon to furnish troops or supplies, has not the means wherewith to meet the demand. They are unable, moreover, to come forward with the necessary relief in times of adversity, although an Edict be issued from the Throne visiting the

(responsible

responsible officers with severe punishment.

With the construction of railways the power of the country will be concentrated, its arteries will flow unobstructed, the number of soldiers may be diminished, supplies curtailed, and several regiments converted into one effective corps. In the protection of our frontiers and seaboard, the necessary materials such as artillery etc. can be transported with surpassing rapidity (lit. between the dawn and twilight). Troops garrisoned at different stations can be converted into an effective active battalion, and the strength of the eighteen provinces will be brought into one center. One soldier may be made as efficient as ten. Hereafter the army and commissariat will be under the control of the Central Government which will become the seat of importance, while the provincial administration will remain auxiliary and secondary, and the efficiency of the army will not be exposed to be impaired and obstructed by the failures of provincial officers

officers.

In the present state of our affairs, the expenditure required for the defences of our frontiers makes a sensible diminution in the revenue of the country, the prosperity of the people is fettered by the Lekin excise, the wealth of the country is being monopolized by foreign merchants, and the riches of the land are daily diminishing. These are signs portending some great calamity. But if railways are constructed the profits to be derived from their working will suffice for the maintenance of troops, some of the Lekin stations may be abolished after due consideration, and the worries caused by complaints of foreign merchants regarding transit passes etc. will be avoided. It would be difficult to devise any other plan more eminently calculated to benefit the prosperity of the country and to further the happiness of the people.

The reasons why Russia is overbearing in her relations with us, and why Japan underrates us are to be found in the fact that China has only one corner of her

vast

vast possessions protected, is afraid to face difficulties, and is incapable of rousing her energies because possessed of an inordinately pacific disposition. But the day when an Imperial Edict is issued sanctioning the construction of railways, it will be manifesting our desire to strengthen ourselves, and the life and energy of our country will instantly be roused. This intelligence will startle those countries, and, while in the first place, we shall find it easier to agree to the terms of a treaty with Russia, on the other hand, the insidious designs of Japan will insensibly disappear.

Sometime in the current year, the Viceroy Li Hung Chang memorialized the Throne praying for the sanction of a telegraph line to be laid along the coast. Telegraphs are one of the essential requirements in the operations of an army, and if constructed as auxiliaries to, and in conjunction with railways, there will be a large saving in expense as well as increased facility of supervision.

If

If any difficulty be encountered in raising the requisite funds for the construction of railways, and doubts arise as to our inability to proceed with the work, Your slave thinks that the plan of inviting contributions from the mercantile classes is not unworthy of consideration, but if this plan be unfeasible in consequence of the wide dispersion of these classes, the contraction of a foreign loan is the only plan worthy to be considered, if there exists a desire to avail of the present time for the construction of railways.

If the contraction of a foreign loan in aid of the Government be held to be an impossibility, a loan for this purpose may be considered an exception. It is a means whereby a source of profit may be opened up, and the money expended will be represented in the materials and plant. There are considerations which will induce the foreign banker to gladly accomodate us with the loan.

The Government will have no

difficulty

difficulty in repaying the debt, as the interest asked will be small and the time for repayment ample, it may be liquidated with the profits of the undertaking. The mechanics of the West are expert in manufacturing railways and are moreover eager for an opportunity of displaying their skill in our Celestial Country. Your slave believes the present occasion is especially opportune and one that should not be missed.

Two lines of railways are urgently needed in China. One to go from Chinkiang through the provinces of Shantung and Chihli having its terminus at Peking; the other to go from Hankow through Honan to Peking. There should be besides this, two Northern routes. One from Peking running Eastward to Shengking, the other running Westward to Kanhsu. But as it will be difficult to undertake all these lines at once in consequence of the enormous outlay that will be required, Your slave would suggest and prays that

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sanction be given for the construction, first, of the line from Chinkiang to Peking to be in connection with the line of telegraph which it is proposed to lay this year. As the provinces of Shantung and Chihli cover a large tract of territory through which this railroad will have to pass, and as stories are likely to be current about its interference with the family graves and homes of the people, much opposition to it must be expected from those who are ignorant that the Government roads are broad and that the space required for the permanent way will be little more than 10 ft, and that the railway will in no way interfere with their homes and graveyards; but if obstacles do present themselves in the way of the line, it will be easy to avoid them by a slight detour.

Your slave while engaged in extirpating the rebels in former years, travelled all through the Empire, and has frequently traversed the provinces in question, he is therefore perfectly

familiar

familiar with the condition of the country and the circumstances of the inhabitants, he would not dare to be careless or reckless in forming his opinions so positively.

Should this business which so closely concerns the efficiency of the army, and is so intimately connected with the weal or woe of the Empire be honored with the sanction of Your Majesties, Your slave would pray that an Edict be issued instructing the Board of Foreign Affairs to take the matter into immediate consideration and to memorialize in reply. If, however, indecision and procrastination prevail, and the business be regarded as a thing that can be put off to a future day, it is much to be feared that after the treaty with Russia is signed, the construction of railways will be indefinitely postponed, like the case of the "man who, wanting to build a house, *

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* i.e. does not make up his mind and go to work seriously.

and also that the lesson taught in ancient history by "sleeping on straw and tasting the bitter gall"* will become a vain waste of words, and that the day will never come when an effort to strengthen our country will be made.

Your slave has written out the reasons which have prompted him to make this request for the introduction of railways as a means of augmenting the power of the country in a memorial, reverently prepared, which he now submits to the Throne. Prostrate, he prays Your Majesties, the Empress Dowager, and the Emperor, to cast Your Sacred glances thereon, and to announce Your pleasure regarding

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* An allegory drawn from ancient Chinese history in which the ruler of a certain state being overcome by his enemies, slept on straw and tasted the bitter gall, to inure himself to hardship and to foster resentment and a determination for strength to be revenged which he was eventually enabled to accomplish by vanquishing his victors.

regarding the feasibility or otherwise of the recommendations set forth therein.

Despatch No. 134.

Inclosure 2.

Memorial of Li-Hung-Chang and Liu K'un Yi, Northern and Southern Superintendents of Trade, supporting and supplementing Liu Ming Ch'uan's memorial on the introduction of railways.

Your Majesties servants Li-Hung-Chang, Northern Superintendent of Trade, and Liu K'un Yi, Southern Superintendent of Trade, upon their Knees address the Throne: Looking upward they implore the Sacred glances of Your Majesties upon a memorial, reverently prepared, showing that in obedience to an Imperial Rescript a satisfactory consultation has been held upon the subject of railways, and that as their construction is a question of the foremost importance in augmenting the power of the country and promoting its prosperity, measures should be immediately devised whereby to raise the necessary funds for their construction, and steps taken in the first place to appoint a competent person to make a careful study of the subject.

(Your

Your servants would humbly state that they had the honor to receive from the Grand Council who had privately communicated to them the Imperial Edict of December 3rd, as follows: "Whereas "Liu-Ming-Ch'uan has memorialized Us "regarding the formation of railways, and "has recommended that steps be taken for "the construction first of a line from "Chinkiang to Peking to be in connection "with the line of telegraph which Li-Hung "-Chang has asked for permission to establish "this year, the purport of the memorial "being to recommend the adoption of "measures whereby to augment the power "of the country. Let Li Hung Chang and Liu- "Kun yi carefully consider the proposals "set forth therein, and let them memorialize "the result of their deliberations. Let a "copy of Liu Ming Ch'uan's memorial be "made and forwarded to them. Respect this!"

Looking upward Your servants behold with unspeakable respect and submission their Sacred Master's anxiety concerning the present troubles and His

(untiring

untiring endeavors to devise plans for rousing the energies of the country and incessant efforts to obtain information on every side.

Prostrate, Your servants beg to make the following observations. In the earliest ages when mankind were first created, the nine divisions of China were subdivided into some ten thousand different states each of which had its own habits and customs, Although within a few hundred li of each other they were divided and had no intercourse with each other. When the sages came into existence, men learned to scoop out logs of wood and convert them into canoes, wood was hewed into paddles, and with the aid of these paddles and canoes they crossed over to places which were before inaccessible. Oxen were yoked to carts and horses were mounted. Heavy burdens were dragged to great distances, and thus all parts of the world became benefited. It is over 4000 years from that time to the present

present, and all parts of the country — N. S. E. & W. have the same doctrine and the same literature; a condition of things that may rightly be styled flourishing. The nations of the West have always studied the arts with minute care, and they all manufacture steamboats and railways. Although the earth is about 90.000. li in circumference they are able to surmount all obstacles and travel through almost every part of it. They have superseded the boats and chariots bequeathed to us by the old sages by putting forth new ideas and producing inventions which appear to be Heaven-sent for the benefit of mankind.

In these latter years China has derived no small amount of benefit by imitating Western nations and building steamboats. The human intellect becomes enlightened after it has been obscure. Rough materials are transformed into utensils for use. Communities get united after being divided. These are the natural results of the laws of nature

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and it is neither wisdom nor force that can restrain them.

Railways first had their origin in England in the working of coalmines. In the first year of the reign of Taoukwang the tracks which were to keep the wheels of the cars in control were first laid down, and from that time the invention gradually improved. They were used in transporting coal and iron to the markets for sale, and the profits realized were very great. Their use was subsequently extended to every branch of industry and trade, and England came to be the champion of Europe. France, America, Russia, Germany, and other great nations then followed suit and built railways, and it was only after they possessed them that they were enabled to encroach upon and usurp the land of their neighbors, and open up and reclaim wild territory. As the populations of these countries increased and trade flourished they had to extend their railways in order to meet the improved circumstances of the times.

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From that time the two continents of Europe and America became accessible from all points of the compass, as each had constructed some hundred thousand li of railroads. Troops ordered to a given point reach their destination in a day, and news and tidings travel with the rapidity of wind.

The daily increase in prosperity and strength that has marked the progress of these nations throughout the last 40 or 50 years may be ascribed to the fact that they possess steamers that plough through the sea, and railways that make traveling by land exceedingly convenient.

Now, to speak of Japan, she is a small insignificant country, yet she possesses railways that run across the whole of her country. Her idea is that by adopting Western mechanical improvements she will have it in her power to despise China.

Russia has railways that run from Europe to within a short distance

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of Kaohan, Kiachta, and neighboring places, and she is about to build a line from Kai chen wei to Kui chun. The frontiers of China and Russia are contiguous to each other for some ten thousand li. If we build some railways now while it is time, the present force of our army will be amply sufficient to protect our frontier, but without railways all our endeavors to protect that frontier will be futile, even though we increase our troops and supplies.

China's isolation in being without railways, when all other nations possess them may be aptly illustrated by supposing those who lived in the middle ages to have discarded the use of the boats and chariots of their time. They could not help being behind other men in all their movements.

Your servants estimate that the advantages to be derived by the possession of railways may be classed under about nine principal divisions.

1st The country North of the Yangtsze and Kwai Rivers is rather

(Destitute

destitute of water courses, unlike the Southern Provinces which abound with rivers and streams by which all manner of goods are conveyed in different directions. It is owing to this that out of the 20,000,000 to 30,000,000 taels of revenue derived yearly from foreign goods and lekin, the Southern provinces provide about nine-tenths while the Northern provinces figure for one-tenth only. Whereas if railways are gradually built communication will be established throughout the country like the threads in a loom, commodities can be transported and interchanged between the different provinces according to their respective wants. The idle population of the Northern provinces will become industrious, no part of arable land will be allowed to remain unprofitable, nor the energies of man lie dormant, and the condition of the country will gradually become one of affluence. The customary duties and lekin can be levied at the important points of the line so that the revenue derived from these sources will be equally divided between the

the Northern and Southern provinces. This is the first advantage that will accrue to the finances of the country.

2nd It is a well known fact that union in an army means strength, and that weakness is the result of dissension. China's frontier on land and her sea-board are each over 10,000 li in extent. It is not to be supposed that defences are to be built at every place along this line, for not only will our troops and supplies be insufficient, but this would be a plan without any sense. Railways are wanted to make military operations successful. With their aid distances like those of Yunnan, Kwei chow, Kanhsu, and Shan hai can be accomplished in about ten days. The troops garrisoned in the 18 provinces may be converted into an effective active batallion; hereafter the number of soldiers may be diminished, supplies curtailed, and several regiments converted into one effective corps. The army can be summoned at one signal, its discipline and power will be concentrated and one soldier made

(as

as efficient as ten. This is the second advantage that will result from the possession of railways, in making military operations more successful.

3. Peking which may be termed the root of our country is situated in a lonely position in the North of China at a great distance from its center, and is very difficult to control, nor can help be afforded in time of trouble. During the war which happened in the tenth year of Hsien fung's reign several statesmen of that day advised that the Capital be transferred to some more suitable locality, but in view of the gravity of the step it was deemed undesirable to act precipitately in that advice. Moreover, every time a quarrel occurs between foreign nations and ourselves they menace to shatter our Capital. If railways are constructed, a distance of 10.000 may be considered as at one's very threshold for it can be accomplished in no time, and a hundred million soldiers can be moved to a given place within a few days. All parts of the country will

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be in a condition of protection and security, the Government will be peaceable and unmoved as a rock, and in case of danger assistance will be readily forthcoming. Officials and merchants of every province will be continually travelling to long distance by the railway, merchandise and Government grain will be transported with surprising rapidity. All will be anxious to travel by this route, and to avail themselves of the railway depot for the storage of their goods. In time of peace it cannot fail to prosper trade and to increase the activity of the multitudes. There will be no further necessity to talk of transferring the capital; moreover the covetous designs of foreign nations will be cut short for ever and the foundation of our country will become immovable for a hundred centuries. In this way our capital city will be protected which is the third advantage to be gained by the possession of railways.

4th A few years since during the disastrous famine that raged in the provinces of Chan hei and Honan, the

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price of grain in Shanksi rose to the exorbitant rate of over 40 taels pr. picul. Had there been railways to convey it the price could not have exceeded some 7 taels pr. picul including the freight from Tientsin. When the country is in possession of railways, if any calamity by drought or inundation should happen in any of the provinces, relief in the shape of grain or money can be transported as rapidly as light or sound takes to travel, and the lives of many human beings will be spared. Moreover, goods will flow easily to all parts of the country and the evils of exorbitant prices and engrossing commodities in a market will be avoided. This is the fourth advantage that railways will bring by benefiting and preserving the lives of the people.

5. Since the transportation of the Government grain tax was transferred from the junks to be conveyed over the sea by steamers, several officials have criticised the step, and have ever been anxious that the old custom of conveying it via the

Grand

Grand Canal should be re-established in order to forestall the unforseen dangers of the sea. When railways are constructed the transportation of the grain will flow unobstructed like the arteries of the human system, and if on some day the sea-road be rendered dangerous by war there need be no anxiety that any obstacle will prevent the whole amount (1.000.000.) picals of grain from being transported to its destination. Besides this, munitions of war, such as gunpowder, guns, and weapons, and Government taxes, will all be conveyed without the slightest impediment. This is the benefit that will result to measures of transportation, and is the fifth advantage to be gained by the possession of railways.

C. The speed of railways is ten times that of the fleetest horse. Henceforth despatches can be sent with increased rapidity, Government orders and missions for purposes of investigation will travel with greater speed than is now possible by the post horses. Exclusive of this, letters and parcels will be conveyed rapidly, soldiers sent in

(pursuit

pursuit of robbers and malefactors will reach in a day. Some of the Government post stations on the main road might be abolished and the savings appropriated to the maintenance of the railway; This is the sixth advantage that will result to the postal department of the Government.

7th. The coal and iron mines of the Empire are all at a distance from the water courses. If railways are used in transporting the products of these mines, the cost price will be small and their sale abundant, and in proportion as the sales increase the mines will prosper and be opened up in large numbers. The expenditure required for constructing the railway will be greatly economized by using the coal and iron of the mines, and the profits that will be derived from their working will be an inexhaustible source of supply for the army. Thus mining operations will be developed and benefited and this is the seventh advantage that railways will bring.

8th. It is difficult to carry goods to places that

that are remote from the rivers and canals, as it is difficult to bring native produce thence. With railways merchandise will be conveyed to and from places that are inaccessible to steamers, and traffic will be considerably increased. Thus steamers and railways will aid each other mutually in transporting goods. This is the eighth advantage that will inure to the carrying trade of the China Merchants Steam Navigation Company.

9th. When railways are introduced, all classes of travelers whether officials, commoners, merchants, or soldiers, traveling on private or public business, can go to great distances with surpassing speed (lit. 100 li in a twinkling) The expenses of the journey will be considerably reduced in view of the rapidity with which one travels, there need be no fear of robbers on the road and the dangers of wind and wave will be avoided. This is the ninth advantage that railways will create by improving the system of travelling in the Empire.

As Your servants have shown in the

the beginning of this Memorial, the various nations of the West have suddenly risen in importance because they have all been careful to develop and employ this new invention. It must be remembered moreover that the revenue of the State and military tactics are considerations of the foremost importance in planning measures for strengthening the country and promoting its prosperity.

Your Majesties confirmation of the purport of Liu Ming Ch'uan's memorial viz:— the recommendation of measures that will augment the power of the country, is in reality what is meant when he says that he foresees the advent of some calamity and the daily increase of our embarrassments, and while expressing his resentment at the injustice of foreign nations towards us desires that the energies of the country be immediately roused by the promulgation first of our intention to introduce railways and thus cause the insidious designs of Russia and Japan to disappear.

The railroads that are urgently needed

needed in China are, two lines in the South, one to go from Chingkiang through the provinces of Shantung and Chihli reaching Peking, the other from Hankow through Honan to Peking, and two Northern lines, one running from Peking Eastward to Feng t'ien, the other running Westward to Kan hsu. These four routes, if constructed, may be termed the root and stem of the railway enterprise. If branch lines are required to go to places of importance distant a few hundred li from the mainway, Your servants believe that they can easily be formed, the distances being short, and the necessary expenditure small, contributions can be invited from the merchants who will be glad to respond to them. Thus the smaller lines will shoot off from the mainway like the branches of a tree so as to form a regular netting, and there need be no anxiety that the railway enterprise will not flourish. As, however, the construction of these four lines will necessitate an enormous outlay it will be exceedingly difficult to undertake them all at once.

The

The suggestion of Liu-Ming-Chuan that the line from Chinkiang to Peking be first built in connection with the line of telegraph which Your servant Li-Hung-Chang proposed to lay this year is one which, if adopted, will bring two advantages, viz— facility in overseeing the line, and uninterrupted means of sending telegrams. If the construction first of this line be said to be only a partial benefit to the country considering its condition and requirements, it must be remembered that all the nations of the West were similarly situated 50. years ago, and that it is only owing to their determined efforts to construct them and push to the front for fear of being behind that they are able to have the influence which they possess today. Liu-Ming-Chuan's idea is first to give an example whereby a start may be made. If the enterprise is pushed on gradually there need be no fear that it will not some day be in a flourishing condition.

If it be argued by some that after railways are constructed it is to be feared that the road will be used by enemies to

invade

invade our country, or again that as foreigners have long been wishing to build railways in China, if she once makes a commencement it may give these foreigners reason to become exceedingly importunate, it must be said that such objections can only be made by those who are ignorant that every nation uses its railways in transporting troops to defend the country against its enemies. They have never been known to serve the purposes of an enemy. This will be made plain by remembering that the railway is within our territory, every pass on the frontier being guarded it is not likely that the enemy will find their way through some neglected passage. If, by some extraordinary hazard, a danger like this should happen, one portion of the road can be destroyed and the whole be made useless, or if the train be kept out of the enemies hands the road will be of no value without it. Other nations have had no reason to be anxious on this point since railways were built some scores of years ago. It is a condition that may be likened to the convenience of the men

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at home and the disadvantage of the stranger abroad.

By International Law and the Treaties foreign nations are prohibited to build railroads in the territory of another power without the authority of that power. If we apprehend that they will rely on their superior strength and violate the treaties, and we do not proceed to construct railways ourselves, will our mere apprehension prevent them from presuming on their strength if they desire to do so.

Foreigners are moreover constantly advising us how to benefit China. If we proceed of our own motion to adopt measures that will benefit the country by constructing this important line, it will be enough to cut short all further officious advice from them.

Again if objections be made to the railway on the score of its interference with the welfare of carters and other classes of laborers who it is apprehended will have no way of getting their food and clothing, and that disturbances must

(inevitably

inevitably result in consequence of these poor people having lost their means of sustenance, to these objections it must be answered that in England in the early days of the railway there were similar fears that many poor people would be robbed of their means of support; but before long the number of carts and traffic generally in the important towns on the line of the railway became double what it was formerly. Then the railway will be on the main road and cannot interfere with the villages and little towns in the bye places which will continue as before to use carts and men to transport goods and passengers. An increase in the railway traffic will necessarily produce a corresponding increase in the number of carts and carriers.

If the railway enterprise reaches a condition of prosperity, it will give work to numbers of men, viz:— employés to run the train, laborers to make the roads, guardsmen to watch the line, carriers to load and unload merchandise, and menials to attend on the passengers. The monthly

allowances

allowances to these men will amply suffice them to support their parents and their families, and if any of them have a little surplus means they might open an inn and with an increase in their business take partners and without much effort have a trade with capital and profit. It may therefore be reckoned that every 10, or 20 li of railroad will support and afford means of living for not less than some one hundred thousand men. Another way in which numbers of men will be employed is in the coal, iron, and other mines which will be opened in large numbers when railways are constructed. The numbers of poor miners who live by the sweat of their brow will be incalculably increased, which is positive proof of the benefit that will result to all classes of miners.

Finally, some may argue that the railway will interfere with the fields, homes, and graves of the people and that much opposition to it must be expected in consequence. These arguments can only

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be made in ignorance of the fact that the Government roads are broad and that the permanent way will not require much more than 10. ft., and therefore cannot interfere with the fields, homes, and graves of the people. In places where the Government road is too narrow a strip of land can be bought and paid for liberally, and if graves do present themselves in the way of the line, they can easily be avoided by a slight detour. Lin Ming Ch'uan traveled all over the Empire while engaged in exterminating the rebels in former years and is thoroughly familiar with the condition of the country and the circumstances of the inhabitants.

The introduction of railways however being a question of paramount importance it behoves us to examine the subject very carefully in the first stages of its management to forestall future evils and have a good model by which to go in the long run. Your servants have been careful to gather much information on this subject and find that the railways constructed by foreigners are of various kinds, some are strong and last a good while, others

Again

again are less durable and last only sometime. Their prices also differ very widely, one li of road may cost a few thousand taels or it may cost some ten thousand taels. As the road from Chinkiang to Peking is an important highway, the line which it is proposed to build should be a substantial one so as to last sometime. Although it is difficult to estimate in advance what sum will be required, it is certain that it will not be small.

The money at the disposal of the Government is very limited at the present time. If the funds required for constructing the railway be called for from the provinces, the provincial officers will not know how to raise the money; or if contributions be invited from merchants, it will be difficult to collect them in consequence of the wide dispersion of these classes. The proposition of Liu Ming Chuan that a foreign loan be negotiated is the only feasible plan. China has on former occasions frequently contracted foreign loans, but some officials fearing that each province would make this a precedent for borrowing money and become so far involved

involved as to be at the mercy of foreign creditors, the Board of Revenue memorialized and the contraction of foreign loans was interdicted. It must be said however that a loan for starting a large profitable undertaking and a loan in aid of the army are two different things. When railways are started the interest on the loan can be easily repaid by the profits of their working, and the Government will have gained a lasting source of profit.

But there are three things in the contraction of foreign loans that demand great care.

1st As it is to be apprehended that the foreign lenders will take the direction of the railway into their own hands and exclude us from being masters in the business, a clause must be made distinctly stating that they may not interfere in the matter. The interest of the money being guaranteed and the debt being punctually paid up at the specified dates, all matters relating to employing workmen, purchasing materials, and constructing the

line

line, must be left to our management, the foreign creditor being debarred from questioning our actions. If this condition be inadmissable no foreign loan should be made.

2nd The next fear is that foreigners will strive unlawfully to get the undertaking into their own hands. To prevent this, the Regulations of the China Merchants Steamer Company which exclude foreigners from becoming shareholders will have to be followed. When the railway company is formed its management will be in the hands of Chinese merchants subject, however, to the supervision of some Government official. Regulations should be made, after consultation, providing for the repayment of the loan by the said Company by installments in different years, till the whole amount, interest and capital be cleared off. If there should happen to be failures in paying up, the Government Superintendent will urge payment; the Company will only be allowed to mortgage the railway but not to transfer it into the hands of the foreign creditor. The repayment of the loan being thus clearly

provided

provided for by limitation all malpractices will be cut short. A foreign loan should not be contracted unless the foregoing indispensable condition be complied with.

3rd The third danger is that the finances of the country will have to suffer in consequence of the railway loan. Hitherto when foreign loans have been negotiated the revenue derived from the maritime customs has always been appropriated to repay them. Recently the Customs establishments have been called upon to meet so many demands for money that they are greatly embarrassed. It should be clearly stipulated that the loan will have no connection with the Customs revenue. The Government will decide in what way the profits to be derived from the railway enterprise will be successively appropriated towards repaying the debt which will be cleared off at latest within 10. or 20. years. No foreign loan should be made without this indispensable condition for the protection of the finances of the State.

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The foregoing three provisos are important considerations in negotiating a foreign loan.

Your servants have learned that foreigners have hitherto been very careful in making loans to consider what the chances are of recovering their money. If the conditions set forth above are rigorously adhered to, it is likely they will not be willing to lend, but if they are, then the construction of railways may be proceeded with at once, instead however of proceeding to build them hastily regardless of evils which a loan on any conditions might entail, the business should be deferred to be maturely considered that there be no reason to repent of errors.

Your servants have also learned that none of the railways of other nations have been built without a loan. Their mode of procedure is the following. An engineer of reputation makes a survey of the road and a prospectus is prepared clearly showing the estimates of the undertaking and the probabilities of

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its success which is a means of amply securing the confidence of the people,

The road from North to South which it is proposed to build in China will after it has run some time bring considerable profit. When the public Company is formed an Engineer of intelligence and reputation should be engaged to make a careful estimate of the undertaking, his estimate will be carefully considered by the Tsung-li-Yamen and Your servants who will prepare a satisfactory and reliable prospectus on which some wealthy foreign merchants might be induced to accomodate us with the loan,

As regards the selecting of materials for constructing the railway, estimating how many Li of road are to be built, hiring laborers economically and at the same time to obtain substantial work, all these are matters that should be carefully investigated so that the essential parts of the business be not overlooked,

An high official should be specially deputed to superintend the management

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of this business which includes inviting shareholders and raising the loan, measuring the land, hiring laborers, etc, etc, and is somewhat intricate. Without this step the business cannot be expected to work satisfactorily. Your servants beg to state that Liu-Ming-Chuan is a man in the full vigor of life and possesses a bold and resolute nature, he has gone through great hardships in the service of his country and is very desirous to undertake the management of this business since he has seen lately that foreign nations are illtreating us on all sides and believes that the country's present state of helplessness should be changed for an attitude of strength. The business however being an innovation its management will be difficult and it will require time before we experience its benefits. If any imminent danger were threatening the Empire and the Court were to order Liu Ming Chuan to take a command, the consideration of this affair would naturally have to be postponed, but he is now without any occupation having

solicited

solicited leave to nurse his health. Should this proposition be honored with the sanction of their Sacred Master, and Liu Ming Chuan be appointed to superintend the management of the railway Company, Your servants would pray that he be ordered in the first place to make a careful study of the important points in this business, and without precipitancy to consult and deliberate thereon. Japan and Russia will be startled to hear that in the midst of all her difficulties China has still strength left to take this step. It will be manifesting something on which they did not reckon. A truly admirable way of first giving the sound and following it up with the reality. As Liu Ming Chuan is now at leisure he might proceed to invite shareholders and form a Company to consider the question of a foreign loan. Although it is hard to say whether or not a large sum can be raised, his reputation as a man of loyal merit is more likely to enlist the united assistance of men of all classes both foreign and native

native than any other man.

There are over 10,000 men stationed in the garrisons of Chih li and Kiangsu who served under Liu ming Chuan in former years. In his study of the railway question it might appear plain to him that an economical way of proceeding will be to employ the aid of these men in constructing the road, and if the contributions of native merchants be abundant, the surplus can be applied to some other purpose. In each case it will be the duty of Your servants to consult with him and manage the business according to the shape it may assume.

The question of introducing railways having been thus brought before the Throne by Liu-Ming-chuan its management from first to last should be entrusted to him. If, for any reason, the business be put off ten years, at the end of that time he should still be charged with it, there is no other person on whom he could place the responsibility. Should other and more important calls of duty arise after

this

his appointment, he can leave the railway business and, in obedience to the orders of the Throne, proceed to his new post of duty.

When railways are built in China she must also open up her coal and iron mines to prevent her treasure from flowing into foreign lands. The coal and iron mines in the neighborhood of the Chow Tow and Lou wan fu in Shanhsi are very rich. It is matter of regret that no merchants with large capital are to be found to work them. If the capital for constructing railways can be raised, one tenth of the sum obtained might be employed in working the mines after Western methods and with foreign machinery, and the coal and iron obtained might be used for the railway. Thus the mines will be developed and benefited by the railway and will in turn help to extend the railway enterprise, and the two undertakings will bring about a highly desirable result.

Your servants forward with

(all

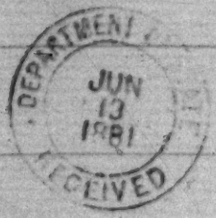
all despatch their memorial in reply, ~~a~~ reverently prepared, setting forth the considerations relative to railways as a means of augmenting the power of the country, and to the necessity of first making a careful study of the question. Prostrate they submit their reply to the Throne, and pray Your Majesties the Empress Dowager, and the Emperor to cast Your Sacred glances thereon and to issue your instructions in the premises.

Act

Letter

Madden

No. 135. Two Enclosures.



Legation of the United States.

Peking, April 9th, 1881.

James B. Angell to
the Secretary of State.

Subject.

The Degradation of Liu Ksi Kung.

Synopsis.

Forwards two Imperial Decrees relative to the degradation of Liu, Ex. Minister to England and to Germany, for attempting to bring the Viceroy Li Hung Chang into disfavor by criticising his conduct in a Memorial to the Throne.

No. 135. Two Enclosures.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I enclose two Imperial Decrees which have recently been issued. I think they may be of interest to you, because they illustrate Chinese methods of procedure, and they concern two men whose names have become well known in Europe and America, Li Hung Chang, the Viceroy of this Province, and Liu, who has filled the offices of Minister to England and Minister to Germany. No little interest has been awakened

1-2/135

in

No. 135. Two Enclosures.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I enclose two Imperial Decrees 1-2/135 which have recently been issued. I think they may be of interest to you, because they illustrate Chinese methods of procedure, and they concern two men whose names have become well known in Europe and America, Li Hung Chang, the Viceroy of this Province, and Liu, who has filled the offices of Minister to England and Minister to Germany. No little interest has been awakened

in

in Liu by the publication in an English magazine of the translation of a portion of the journal he wrote while in England, in which English civilization is criticised from a Chinese point of view. It is said that Liu has long been distinguished for a querulous and fault-finding spirit, and that at Berlin he made himself particularly disagreeable.

As will appear from the decree below he has been attempting to bring that eminent statesman Li-Hung-Chang into disfavor by the exercise of the privilege, which is here granted freely to officials, of criticising the Viceroy by a memorial.

The result of his attack on the Viceroy has not been very encouraging to his meddlesome and critical spirit.

The

The Board of Civil offices, to which he was turned over, reported in favor of his punishment and he has accordingly been degraded by being stripped of his official rank.

Though it is to be hoped that this action indicates on the part of the Government a disposition to sustain Li-Hung-Chang, yet I have reason to believe that he is exceedingly displeased at the somewhat critical and apologetic tone of the Imperial Decree, which rebukes Liu, and it is not quite certain whether the high officials at Peking were not more than willing to improve the opportunity to remind Li that he has sometimes made mistakes. There is a party of men near the Throne, who with him

no

no good.

I have the honor to be,

Sir,

Your obedient servant.

James R. Snyder

Enclosures.

2. Imperial Decrees ordering the punishment of Lie-hsi-hung.

Despatch No. 135.
Inclosure I

An Imperial Decree.

Sie-kei-hung, a Secretary in the Office of Transmission, has presented a Memorial setting forth a series of accusations against a high Provincial Officer as unworthy of reliance and trust. An inspection of the Memorial and the annex shows a number of highly incredible statements.

When any high provincial officer is guilty of malversation in the public service, or is incompetent to perform his duties, it is right that he should be impeached by the properly qualified officers whose duty it is to memorialize the truth.

Li Hung Chang has for many years filled the position of Governor General of a Province, and We have always placed great reliance on him. It cannot be said that he has never committed errors in the management of public affairs, and the Court has

in

in every case taken him to task without showing any [illegible] leniency.

The accusations which are now made against him by Liu-hsi-hung are, that he slighted the Government in his Memorial stating that he had kept back the Provincial Treasurer, Jen Tao-jung, from coming to the Capital to have Audience. The next is that he showed contempt for the Court in his Memorial in reply concerning estimates for supplies for the army, and again that without the authority of the Emperor he undertook unduly to recommend for promotion the Deputies Hwang Kui Ko and others* by misrepresenting and thereby deceiving his Sovereign.

Liu hsi hung, in using strong language and seeking to make a case against Li hung chang, by magnifying trifles, has already been guilty of mischief making; but in further accusing him of insubordinate and

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* It is believed that these Deputies are the officers charged with the duty of receiving and transmitting all Government despatches to and from foreign countries.

rebellious conduct and of arrogating sovereign power, and in using wild and reckless language in his memorial, and recklessly yielding to his evil feelings by trying to compass Li Hung Chang's ruin, he has proved himself a blundering idiot.

In her relations with the people the Court has always been ready to listen to representations and deal out justice in each case. But a case of mischievous slander like the present cannot be allowed to go unpunished.

Let Liu hsi hung therefore be handed over to the proper Board to be severely dealt with.

Respect this!

Despatch № 135.
Enclosure 2.

An Imperial Decree.

The Board of Civil Offices having memorialized the result of their deliberations in obedience to Our command, Let Liu Hsi hung, Secretary in the Office of Transmission, be deprived of official rank in accordance with the decision of the said Board.

Respect this!

File

Act

Made

No. 136. One Enclosure.

Legation of the United States.
Peking, April 9th, 1881.

James B. Angell to
the Secretary of State.

Subject

The Appointment of Li shu ch'ang as Minister to Japan.

Synopsis.

Forwards an Imperial Decree appointing Li-Shu Ch'ang Minister to Japan vice Hsü-Chin-Cheng who has retired from office in mourning.

No 136. One Enclosure.

Legation of the United States,

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In my No 89 of January 10th last, I announced the appointment of Hsü Chin Cheng, as Minister from China to Japan. Unfortunately on his arrival at Shanghai he received the news of the death of his father, and in accordance with the customs of this country he is obliged to retire from official position for a considerable period, probably three years.

I have received from Prince

Kung

1/136

Kung a copy of an Imperial Decree, which I enclose, announcing the promotion and the appointment to the post of Minister to Japan of Li shu Ch'ang. The new Minister five years ago was sent to England as Secretary of Legation and I think is there still.

It is a matter of regret that Hsü has been prevented from going to Japan. He is a man of unusual intelligence and apparently hospitable to foreign ideas. But the experience of Li should also have well fitted him for the post.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

1. Prince Kung's communication of Imperial Decree.

Inclosure

Despatch No. 136.

18/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

"I have the honor to inform Your Excellency that I received on the 5th inst. the following Imperial Decree.

"Let Li-Shu-ch'ang's name "be placed on record for a Tartaiship, "let him be accorded a button of the "second grade, and be sent as our "Minister to the Court of Japan, Respect this!"

As in duty bound, I forward a copy of the above Decree for Your Excellency's information.

His Excellency James B. Angell, etc. etc. etc. etc.

Peking, April 8th, 1881.

No 137. One Enclosure.

DEPARTMENT OF STATE
JUN 13 1881
RECEIVED

Legation of the United States,
Peking, April 9th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Mr. Angell's Salary Account

Synopsis.

Forwards statement of Mr. Angell's account for Salary for the 1st Quarter of 1881.

No 137. One Enclosure.

Legation of the United States,

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir;—

I have the honor to transmit to you, herewith, a statement of my account for salary for the quarter ended March 31st last. A duplicate will be sent forward by the next mail. 1/13;

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell

Enclosure

Enclosure.

1. Salary account for quarter ended March 31st, 1881.

No 138. One Enclosure.

Legation of the United States.
PeKing, April 9th, 1881.

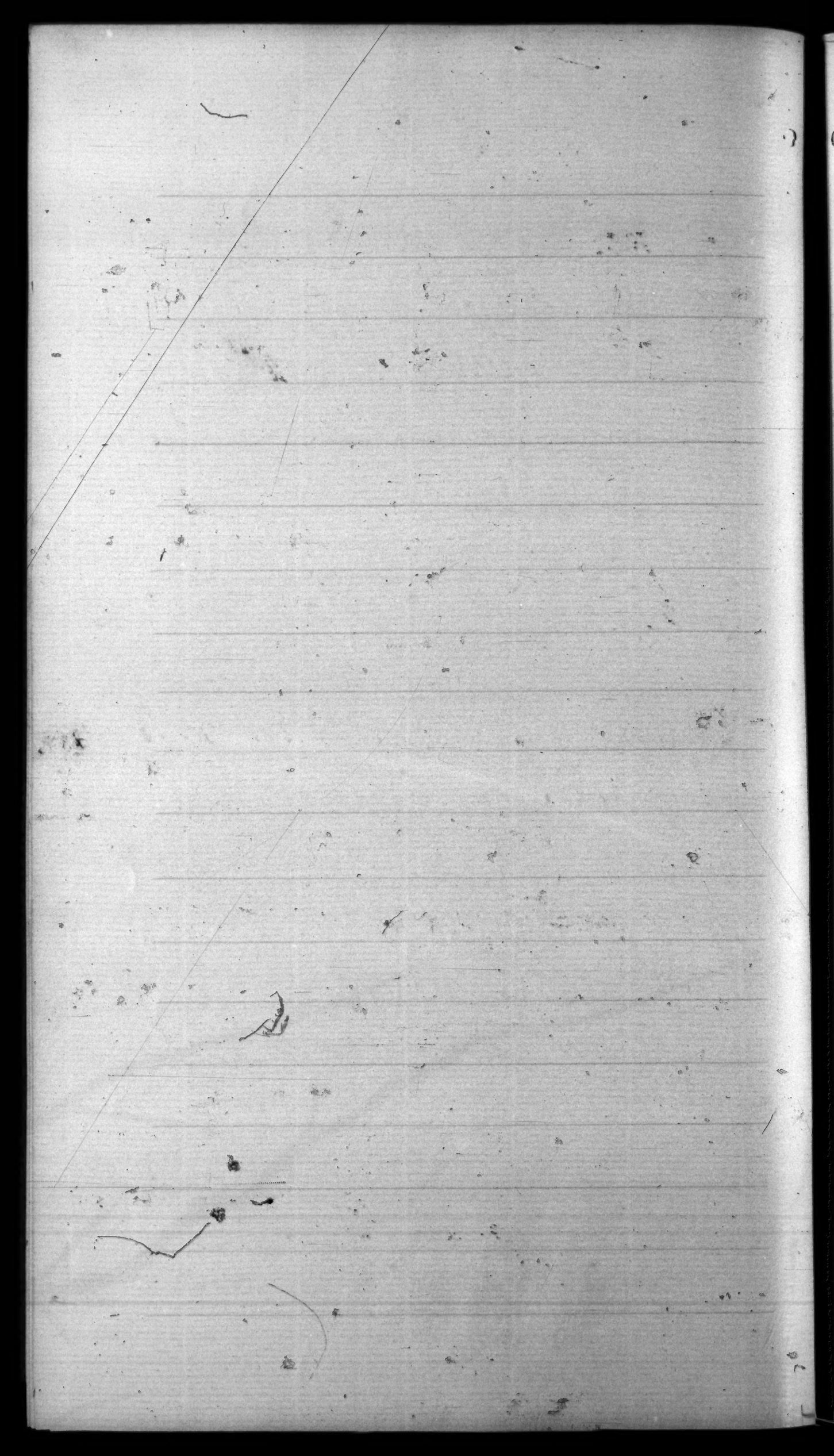
James B. Angell to
the Secretary of State.

Subject.

Legation Rent Account.

Synopsis.

Forwards statement of Rent account of the Legation for the 1st Quarter of 1881.



No. 138. One Enclosure.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:-

I have the honor to forward herewith, a statement of the Rent Account of this Legation for the quarter ended March 31st, last. A duplicate will follow by the next mail. 1/138.

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell

Enclosure

Enclosure.

1. Legation Rent Account for quarter ended March 31st, 1881.

No. 139. One Enclosure.

DEPARTMENT OF STATE
JUN 13 1881
RECEIVED

Legation of the United States,
Peking, April 9th, 1881.

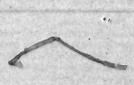
James B. Angell to
the Secretary of State.

Subject.

Incidental Expense Account.

Synopsis.

Forwards statement of the Incidental Expense Account of the Legation for the 1st Quarter of 1881.



No. 139. One Enclosure.

Legation of the United States.

Peking, April 9th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to transmit herewith, a statement of the Incidental Expense Account of this Legation for the quarter ended March 31st last. A duplicate will be forwarded in due course. 1/137

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell

Enclosure

Enclosure,

1, Incidental Expense Account for quarter ended March 31st, 1881.

Ask. substance to Press
C. P.

Mr Adee

No. 140.

Legation of the United States,
Peking, April 11th, 1881.

James B. Angell to
the Secretary of State,

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Death of the Empress of the East Palace.

Synopsis.

Announces the death of one of the Empresses Dowager, Gives a brief account of the reigning family, and the aspect of affairs in the Palace,

Not under inst 135

No. 140.

Legation of the United States.

Peking, April 11th, 1861.

Honorable William H. Evarts,

Secretary of State,

Sir:—

I have to announce that on the 8th inst. at 6 p. m. the Empress Dowager, commonly known as the Empress of the East Palace in distinction from the Empress Dowager of the West Palace, died after an illness of only two days. The Legations have at the time of this writing received no official announcement of the event. But the Peking Gazette contains two Imperial Rescripts concerning her death. As

the

the mail leaves at once I cannot now inclose translations of them.

The deceased Empress is the widow of the Emperor Hsien Fung who reigned from 1850. to 1861.. Having lost his wife just as he ascended the throne, he married the lady just deceased. She bore him no son. In 1856. one of his concubines or second wives bore him a son, who succeeded him as the Emperor Tung Chih in 1861. At the death of Hsien-Fung his wife, the woman who has just died, was of course the Empress Dowager. But by decree of the new Emperor Tung-Chih, his mother was also raised to the honor of Empress Dowager. So there have been two Empresses Dowager since 1861. The present Emperor Kwang-Hsü, who came to the throne in 1874, is the

cousin

cousin of Tung Chih and nephew of the surviving Empress Dowager. The two Empresses, it is thought, have played a considerable part in the conduct of affairs. The deceased Empress has been reputed to be of a pacific spirit and friendly to Prince Kung. The surviving Empress has been thought to take the more active part in shaping the policy of the Empire. She has been so ill for months that her death has been daily expected and several times reported on the streets. But the Empress of the East Palace has not been ill, until she was seized last week with her fatal disease. I think she was about forty five years of age. It is feared that her sudden death may have an unfavorable and possibly fatal effect on the surviving

Empress

the mail leaves at once I cannot now inclose translations of them.

The deceased Empress is the widow of the Emperor Hsien Fung who reigned from 1850. to 1861.. Having lost his wife just as he ascended the throne, he married the lady just deceased. She bore him no son. In 1856. one of his concubines or second wives bore him a son, who succeeded him as the Emperor Tung Chih in 1861. At the death of Hsien-Fung his wife, the woman who has just died, was of course the Empress Dowager. But by decree of the new Emperor Tung-Chih, his mother was also raised to the honor of Empress Dowager. So there have been two Empresses Dowager since 1861. The present Emperor Kwang-Hsü, who came to the throne in 1874, is the

cousin

cousin of Tung Chih and nephew of the surviving Empress Dowager. The two Empresses, it is thought, have played a considerable part in the conduct of affairs. The deceased Empress has been reputed to be of a pacific spirit and friendly to Prince Kung. The surviving Empress has been thought to take the more active part in shaping the policy of the Empire. She has been so ill for months that her death has been daily expected and several times reported on the streets. But the Empress of the East Palace has not been ill, until she was seized last week with her fatal disease. I think she was about forty five years of age. It is feared that her sudden death may have an unfavorable and possibly fatal effect on the surviving

Empress

Empress in her condition of weakness.

It is impossible to say yet whether the death of the Empress of the East Palace will lead to any important political results. Should the other Empress also die, it is extremely probable that important consequences would follow, though no one can predict what they would be. Vague rumors of plottings in the Palace are afloat, but as yet they are but rumors and not worth repeating.

I have the honor to be,

Sir,

Your obedient servant,

James R. Sheppard

✓ Acted June 20, 1881. M. Carter

made

No. 141.

Legation of the United States.

Peking, April 16th, 1881.

James B. Angell to the Secretary of State.

Subject

Mr. Angell's Resignation.

Synopsis.

Mr. Angell tenders his resignation, and states the time at which he would like to be relieved.

No. 141.

Legation of the United States.

Peking, April 16th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

The correspondence I had with the Department before I accepted my present post will show that while I was willing under certain conditions to accept the position of Chairman of a Commission for the revision of Treaties with China, I was reluctant to be appointed Minister. Nevertheless at the urgent request of the Department I took the place with the understanding that I should

be

be released from duty after about a year's service, in order to resume my regular work at the University of Michigan, from which I had been excused for a limited period. It was then my intention to leave here in August, 1881.

Meantime, however, the Secretary of Legation, Mr. Holcombe, who has been here many years without a vacation, has received permission to go home and has sailed for San Francisco. He is naturally desirous of remaining in America until about the beginning of September.

A Minister, not familiar with the Chinese language or with the usages of this Court, would on his

arrival

arrival here find the assistance of the Secretary almost indispensable. I therefore wrote to the Regents of the University to ask whether, if the public interests seemed to require me to remain here a little longer than I had intended, my leave of absence could be extended a few weeks. I have heard by telegraph that my leave can be extended, but just how long I am not informed. In no case however can I remain later than the first of October next.

I have therefore decided to ask and do hereby through you respectfully ask the President to relieve me at such time between September fifteenth and October first as may please him, (unless for his

Conn

own reasons he relieves me earlier.

I have the honor to be,

Sir,

Your obedient servant,

James R. Ryall

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No. 142.

Legation of the United States.
Peking, April 18th, 1881.

James B. Angell to
the Secretary of State.

Subject

Visit of King Kalakaua to Tientsin.

Synopsis.

Reports the visit of the Hawaiian King to Tientsin, gives some particulars concerning his reception and the object of his visit.

No. 142.

Legation of the United States.

Peking, April 18th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

The Hawaiian King Kalakaua, accompanied by Mr. Armstrong, his Commissioner of Immigration and by Mr. Judd, His Majesty's Chamberlain, have made a visit to Tientsin. Not even the Viceroy had been informed that they were coming, and as the King was travelling as a private gentleman, there was, I judge, some embarrassment among the Chinese officials as to the proper mode of

receiving

receiving him. Apparently the Viceroy waited for the King to make the first call. He then returned the call and subsequently gave the King a dinner in the rooms of the China Merchant's Steamship Company. The dinner was attended by the Consuls, the Customs Taotai, and the Commissioner of Customs and the Viceroy made a cordial speech. It is understood that the King is averse to an increase of Chinese immigration, unless Chinese women will go to the islands. The Viceroy expressed great doubt whether this could be accomplished. The King will endeavor to ascertain whether from the Malays or from India he may not obtain emigrants who will bring their wives.

I have heard that the King

(<u>would</u>

would have come to Peking, if he could have received any assurance that he would meet the Emperor. I should have tendered him the hospitalities of the Legation if he had come here. But in the circumstances there would have been so many embarrassments about arranging the Chinese ceremonials, that the visit would perhaps have afforded the King very little satisfaction.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Asked authority June 20, 1881 M. Cutler

Ack + approve C. P.

H Adee

No 143. Two Enclosures.

DEPARTMENT OF STATE JUN 13 1881 RECEIVED

Legation of the United States.

Peking, April 19th, 1881.

James B. Angell to

the Secretary of State.

PRINTED. FOREIGN RELATIONS 1881

Subject.

The Junk Regulation on the Yangtsze.

Synopsis.

Reports that further investigations show that no objection can be made to the enforcement of the Rule by the Chinese authorities.

No. 143. Two Enclosures.

Legation of the United States.

Peking, April 19th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir;—

In my No. 120. of February 28th last I set forth the objectionable manner in which the Chinese Authorities had put in force a regulation concerning chartered junks on the Yangtze River; and described my interview with the Tsung-li-Yamen on the subject.

I expressed the opinion that the Regulation was in contravention of the (amended) ~~XXI~~ Article of the French Treaty, and that most, if not (all

all the Ministers here, agreed with me in that view. Indeed the position could hardly be questioned, if the language of the Treaty was to be taken without qualification. But on pursuing my investigation more thoroughly than I had been able to do at the time of writing you, I discovered evidence that the French Minister who negotiated the XXI Article above referred to, expressly stipulated with the Chinese Government that the Article should not apply to the chartering of junks on the Yangtsze, but that the old rule VI. of the Yangtsze Regulations which provides that native craft chartered by British merchants shall pay port dues according to Chinese tariff, should remain in force. On my requesting the French Minister to examine his archives and

to

to favor me with a copy of the despatch in which, if at all, this modification of Article XXI. had been made, after a careful search he kindly furnished me with the communication of Mr. Bellonet to Prince King, dated August 20,th 1865., a copy of which with the translation I herewith enclose. No one of the Ministers here was previously aware of the existence of this document. They now all agree with me that however objectionable the manner in which the rule requiring the native owners of chartered junks to pay port dues has been put into operation, we have no ground in the treaty stipulations to take objection to the rule itself. 1/143

In a despatch recently received from Mr. Consul Shepard of Hankow 2/143

he

he argues that Articles VI. and XXIII. of the German treaty conflict with the new rule. But neither the German Minister nor I see any force in the argument. The Consul reports that an attempt to freight a chartered junk since the enforcement of the new Rule has utterly failed, because the owners of goods were afraid the cargo would be subjected to "squeezes" on the voyage. It can hardly be doubted that an end is put to the chartering of junks by the foreigner. I shall call the attention of the Foreign Office to this fact on the first favorable opportunity to show them that they are depriving the junk owners of the opportunity to charter their boats to foreigners. But they are so strongly and I fear so justly convinced that

that the chartering of junks is the means of defrauding the Government of revenue that I have little expectation of their rescinding or modifying their order for the enforcement of this rule. There is abundant evidence in the Legations here that foreigners have in too many instances nominally chartered junks in order to enable the real shippers, Chinamen, to run the barriers and defraud the native Customs. In my opinion it is this abuse rather than, as Mr. Consul Shepard suggests, a desire to aid the China Merchants Steamship Company, which has stimulated the Government to put in force a rule, which had not been enforced in seventeen years.

In two despatches to Mr. Consul Shepard I have fully set forth the

(views

views expressed by me in my № 120. to you and in this despatch.

Trusting that my course may meet with the approval of the Department,

I have the honor to be,

Sir,

Your obedient servant,

James R. Doyle

Despatch N° 143,
Enclosure I.

A. S. A. I. Le Prince Kung.

Pékin, 20 Août, 1865.

Monseigneur,

Le Gouvernement de l'Empereur m'a donné l'ordre de déclarer à V. A. I. qu'il consentait à renoncer à l'exemption des droits de tonnage, que l'art. 22 du traité de Tientsin stipule en faveur des Jonques et autres embarcations Chinoises affrétées par les négociants français. Il m'a autorisé en outre à accepter les propositions contenues dans la dépêche de V. A. I. en date du 8 Decembre dernier, et à soumettre tous les quatre mois, au paiement des droits de tonnage, les navires français qui feraient le Cabotage entre les different ports de la Chine.

En échange de ces concessions, les ports de la Cochinchine placés sous la juridiction française et les ports du

Japon

Japon seront, comme l'est déja le port de HongKong, assimilés aux ports Chinois, c'est à dire que dorénavent les navires portant pavillon français, à quelque titre que ce soit, pourront naviguer entre les ports de la Chine, de la Cochinchine, et du Japon, sans que les droits de 4/10 ou de 1/10 par tonneau de jauge puissent leur etre réclamés plus d'une fois tous les quatre mois, quel que soit le nombre des voyages.

Le Gouvt de l'Empereur consent également à ce que les embarcations Chinoises frétées par les négociants français, pour faire le commerce dans le Yangtsz Kiang, soient soumise aux droits spécifiés dans l'Art. VI, des reglements sur la navigation de ce fleuve

(Translation)

Mr Bellonet to Prince Kung

Peking, Aug. 20, 1865,

The Government of the Emperor has ordered me to announce to Your Imperial Highness that he has consented to the surrender of the exemption from tonnage dues, which the 22nd Article of the Treaty of Tientsin secures to junks and other Chinese craft chartered by French merchants. He has moreover authorized me to accept the propositions contained in the despatch of Your Imperial Highness of the date of December 8th last, and to subject to the payment of tonnage dues every four months French vessels which coast between the different ports of China.

In exchange for these concessions the ports of Cochinchina under French jurisdiction and the ports of Japan shall be put on the same footing as those of China, as that of Hongkong is already; that is to say, henceforth

(ships

ships of every kind carrying the French flag can ply between the ports of China, and those of Cochinchina and Japan without being subjected to the payment of four mace or of one mace a ton more than once in four months, no matter how many trips they make,

The Government of the Emperor also agrees that Chinese craft chartered by French merchants to trade on the Yang-tsz-Kiang shall be subjected to the duties specified in Article VI of the Regulations concerning the navigation of that river.

Despatch № 143.
Enclosure 2.

Mr. Shepard to Mr. Angell.
№ 57. March 28th, 1881.

Sir:—

I have the honor to acknowledge your very courteous despatch № 9. of February 23rd in response to my № 55. In behalf of our national interests I warmly thank you for your prompt attention to the subject, and the energetic progress you have made.

It is my duty to say that notwithstanding the assurance of the Tsung-li-Yamen that the regulation I have discussed is "not intended in any "way to change the status of the cargo "on which the foreigner has paid duty, "and that such cargo is not to be "subjected to lekin anywhere along "the route", yet the dangers that the charterers and shippers may be subjected to annoyances by the claim and exercise of the assumed right to stop junks for the payment of pot dues along their route

route is so great and varied, and hindred annoyances have been so arbitrary heretofore, that not a pound of freight will be risked by shippers on board of such craft as long as the exaction exists. The regulation is in fact an absolute death blow to the Junk business, and was doubtless so intended - possibly and probably to force all this freighting business into the channel of the China Merchant Steam Navigation Company's steamers. thus creating a powerful monopoly. An American charterer here has tested the result beyond cavil. He managed to secure a charter of a junk, and took from me the ordinary Letter to the Foreign Customs for official facilities. He has labored earnestly for weeks, and has been utterly unable to get any portion of a cargo, even the slightest. Shippers say very decisedly they will not subject their merchandise to the possible detentions and annoyances to come from responsibility to two Customs, the native and the foreign, with no full protection from either. Not

(a

a single junk has been cleared through this Consulate since the proclamation appeared.

In your further consideration of the matter I respectfully call your special attention to the German Treaty of 1861. It is in French in the copy I have, but it is very explicit. Art. VI recites the three ports of Chinkiang, Kiukiang, and Hankow, demonstrating that all privileges of trade were secured for the Yangtsze as far as to other ports. Riverine trade was guaranteed. The last clause of Art. XXIII distinctively and absolutely fixes the tonnage dues on the craft in question, and of course intended those dues should be paid where tonnage on all foreign vessels is paid, viz:- into the Foreign Customs. It seems to me this vital point in the matter should be insisted upon, and that tonnage dues shall be only paid as the Treaties require, and on chartered junks as on foreign owned vessels. That is to say, all vessels in foreign control should have but one kind of treatment. No other

(vessel

result can give any relief to the junk traffic.

I specially note, and acquiesce in, your suggestions as to possible abuses of unscrupulous foreigners. I have constantly aimed to prevent such, and shall continue to do so with jealous regard to Chinese rights, as well as our own treaty privileges.

Only a few months ago the Intendant brought to my notice certain presumed abuses in chartering junks, and I promptly commenced an investigation. The Agent saw fit to put obstacles in the way of my inquiry, when I promptly closed up his business by declining to give him any further official facilities. I mention the incident to show that while I am zealous for American interests I mean ever to be just towards all native rights.

I trust you may eventually secure a complete revocation of the objectionable regulations.

I am, etc,

(signed) Isaac T. Shepard.

File

Mr Adee

No 144.

Legation of the United States.
Peking, April 28th, 1881.

James B. Angell to the Secretary of State.

Subject.

Receipt of Circular.

Synopsis.

Acknowledges the receipt of Circular announcing the assumption by Mr. Blaine of the Office of Secretary of State.

No. 144.

Legation of the United States.
Peking, April 28th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I have this day received your Circular to the Diplomatic and Consular officers of the United States, dated March 7th, announcing that you had entered upon the duties of the office of Secretary of State.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

File

No. 145.

Legation of the United States.
Peking, April 28th, 1881.

James B. Angell to the Secretary of State.

Subject

The Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches No. 70. 71. 72. 73. 74. and 75.

No. 145.

Legation of the United States.

Peking, April 28th, 1881.

Honorable James G. Blaine,

Secretary of State

Sir:—

I have this day received despatches from the Department numbered 70. 71. 72. 73. 74. and 75.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

No. 146. Two Enclosures.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States.
Peking, April 28th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Incidental Expense Account of the Commission Plenipotentiaries

Synopsis.

Forwards an Account which closes the Incidental Expenses of the Commission to China.

No. 146. Two Enclosures.

Legation of the United States,
Peking, April 28th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

In my despatches to the Department No. 62. Dec. 2d, 1880, and No. 64. Dec. 3d, 1880, I forwarded the accounts of the Commission Plenipotentiary for Incidental and Telegraphic Expenses. I supposed then that there were no more bills to be presented against the Commission.

But I have since received and paid a bill of Messrs Kelly and Walsh of Shanghai for $ 13.25 for note paper

paper ordered by Messrs Swift and Frecot for the Commission, while they were at Chefoo in August, and a bill of $11.52 for a telegram sent by the authority of Mr. Swift to Yokohama to Mr. Frecot, communicating Mr. Secretary Evarts's message of congratulation to the Commission.

I have delayed longer than I wished forwarding this account, partly because I desired to ascertain definitely whether there were any more outstanding bills for telegrams and partly because I had not been able to secure the triplicate vouchers from Kelly and Walsh.

1146. I enclose a statement of the account and also the proper vouchers. I do not forget your desire to have the accounts for telegrams and the drafts for them kept separate from Incidental

Expense

Expence Accounts and drafts. But the amount of each of these items is so small that the bankers do not like to negotiate bills for them, and so as this closes the Commission account I have drawn upon you in the usual course for the sum of $24.77. I trust you will protect the draft.

A duplicate statement will be forwarded by the next mail.

I have the honor to be,

Sir,

Your obedient servant.

Enclosures.

1. Statement of Account of Incidental Expences of the Commission Plenipotentiary. with 2. vouchers.
2. Mr. Swift's authorization of telegram.

Approve

Rec'd June 27, 1881 in Cipher

Made

No 147. One Enclosure.

Legation of the United States.

Peking, April 28th, 1881.

DEPARTMENT OF STATE JUN 20 1881 RECEIVED

James B. Angell to the Secretary of State.

Subject.

The Consulate at Canton.

Synopsis.

Reports the appointment of Dr. Carrow as acting Vice Consul at Canton during the temporary absence of Mr. Scruggs.

No. 147. One Enclosure.

Legation of the United States.

Peking, April 28th, 1881.

Honorable James G. Blaine.

Secretary of State,

Sir:—

Having been informed by the Consul General and by Mr. Consul Scruggs that the latter has received permission from the Department to make a visit home, I have authorized Dr. J. T. Carrow to act as Vice Consul at Canton during the temporary absence on leave of Mr. Scruggs or until the pleasure of the Department is made known.

I am informed by Mr. Scruggs that Dr. Carrow's oath of office and bond

(have

have been forwarded to the Department.

1/147. I enclose a copy of my despatch to Dr Barrow appointing him.

I respectfully ask your approval of my action.

I have the honor to be,

Sir,

Your obedient servant,

James B. Angell

Enclosure.

1. Mr. Angell to Dr Barrow, April 28th, 1881.

Mr. Angell to Dr. J. F. Carrow.

April 28th, 1881.

Sir:—

In virtue of the authority vested in me as Minister of the United States in China, I hereby authorize you to act as Vice Consul of the United States at Canton during the temporary absence on leave of Mr. Consul Scruggs, or until the pleasure of the State Department is made known.

I have informed the State Department and the Tsung li Yamen of your appointment.

I am, etc.

(signed) James B. Angell.

File

Ack

Made

No. 148.

One Enclosure.

Legation of the United States.
Peking, April 30th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Chinese Minister to Austro-Hungary, Italy and Holland.

Synopsis.

Forwards an Imperial decree ordering Li-Feng-Pao to include the Courts of Austro-Hungary, Italy and Holland, in his mission.

No. 148 One Enclosure.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State.

Sir:—

I have received from Prince Kung an official communication, announcing that Li-Feng-Pao, the Chinese Minister at Berlin, has also been authorized to include in his mission Austro-Hungary, Italy, and Holland.

I have the honor to be,

Sir,

Your obedient servant.

James R. Lyall

Enclosure

Enclosure.

1. Prince Kung to Mr. Angell.

No. 22/1881. April 11th, 1881.

22/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

I have the honor to inform Your Excellency that this Office was honored on the 5th instant with the receipt of the following Imperial Rescript:—

"Let Li-Zeng-Pao, a director of the 3rd rank with button of the 2nd grade, and already recorded for the post of Customs Taotai, at present serving as Our Minister to the Court of Germany, include in his mission the Courts of Austro-Hungary, Italy and Holland— Respect this?"

In compliance with my duty, I respectfully forward a copy of the above Rescript for Your Excellency's information.

H

H. E. James B. Angell.
etc. etc. etc. etc.

Peking, April 11th, 1881.

Referred to Mr. O'Connor
C.P.

File Bonilla
Sept 7

No 149.

One Enclosure.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States,
Peking, April 30th, 1881.

James B. Angell to
the Secretary of State.

PRINTED
FOREIGN RELATIONS

Subject.

Jurisdiction over Americans in the service of the Chinese Government when charged with crime.

Synopsis.

Comments on the points raised by a recent case involving the question of jurisdiction over foreigners in the Chinese service when charged with crime and requests the instructions of the Department for guidance in similar cases.

No. 149. One Enclosure.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

A recent trial in Her Britannic Majesty's Supreme Court in China has raised certain questions, which deserve the most careful consideration of the Government of every nation, whose citizens are employed as officials by the Chinese Government.

Edward Sage, a British subject, employed in the Imperial Maritime Customs at Canton, was arraigned

arraigned upon an indictment charging him with murder and with manslaughter of a Chinaman, who on the 26th of October last was shot and killed while attempting to smuggle goods into the country. Page pleaded to the jurisdiction of the Court, because, while declaring that he was not guilty, his acts on the occasion under consideration were official and had been examined, approved and ratified by the Tsung-li-Yamen as acts of State. He maintained that Her Majesty's Court ought not to take cognizance of the indictment.

Chief Justice French, in an opinion, a printed copy of which I enclose, decided that he must plead. Accordingly he pleaded "Not guilty", was tried

1/149.

tried and acquitted. On the trial several Customs officers, among them one or two Americans, refused as witnesses to give information in their possession on the ground of privilege, maintaining that their information belonged to the Chinese Government and so could not properly be communicated to the Court. The Judge ruled that they must testify, but did not punish them for persisting in their refusal.

It is not alone the British who are concerned in the issues now raised. There are in the Customs service citizens of the United States and French and German subjects. The case has therefore attracted the attention of all the Diplomatic Representatives here (and

and all have thought it expedient to consult their Governments upon the questions which this trial shows may be pressed upon us at any time.

I think the following is a fair statement of the questions, on which the Consuls and the Minister of the United States may be called to act, and on which therefore instructions, if the Department sees fit to send them before a case with one of our citizens actually arises, would be very acceptable.

1. If an American citizen in the official service of the Chinese Government, is charged with crime, must the Consul issue a writ for his arrest?

2. Must the accused obey the writ?

3. If he appears in Court and pleads to the jurisdiction of the Court on the ground that his act is official and is approved by the Chinese Government, must he on showing that such is the fact be discharged?

4. Shall any distinction be made between the case, when the person injured or wronged is a Chinaman and the case when he is a European or American?

5. Shall an American citizen in the official service of the Chinese Government, if he is summoned as a witness, be permitted by the Consular Court, to refuse to give oral evidence on the grounds that he is commanded by his superior to refuse and that

his

his information is the property of the Chinese Government?

It is understood that the Customs Authorities hold that a plan substantially like the following should be followed.

If a foreigner in the Chinese service is accused, his Consul should ascertain of the Chinese Authorities whether the act complained of was done in the discharge of official duty. If they reply in the affirmative, the case shall go to the Minister, who will adjust it with the Chinese Government. If they reply in the negative, they shall also discharge the accused from their service and the Consul shall take up the case judicially. If the foreign employé is wanted as a witness, the summons shall be sent to

to him through the Chinese authorities.

I may say that the Ministers all fully appreciate the desirableness of sustaining and strengthening the Foreign Customs as far as possible — consistently with the just use of the extraterritorial rights which are secured by treaty and which for the protection of our citizens we must exercise. But I think none are of the opinion that we can go quite so far in waiving jurisdiction as the Customs Authorities seem to desire.

While the object of this communication is to obtain the opinions of the Department rather than to argue the questions presented, still perhaps I may not improperly

improperly indicate some of the results of my study of the subject here upon the ground,

I conceive that we must look upon an exercise of jurisdiction over our citizens here not merely as a privilege, but also as a duty. It is a duty to the Chinese, to the citizens of other nations, to our own citizens, and especially to the latter. It is easy to see that if we should suffer lawless American citizens to commit crime with impunity, not only should we bring deserved reproach upon our name, but we should furnish a provocation for this people, who do not at all enjoy the presence of foreigners, to subject our well-disposed

citizens

citizens to annoyance, if not to peril. It is therefore only with the greatest caution and for very cogent reasons that we should relax the hold of our laws upon our citizens.

Bearing this obvious principle in mind, as we consider the five questions above raised, I do not see,

1. How when an American citizen, even though he be in the official service of the Chinese Government, is accused of crime, we can safely relieve the Consul from the duty of bringing the accused before him for some kind of judicial inquiry into the facts,

2. It follows as a matter of course that the accused must appear in response to the writ,

3. In civil cases if the defendant pleads

pleads and proves that his act is official and approved by the Chinese Government I think his plea should cover him. But even in such cases he should appear before the Consul and plead and prove his official authority for his act. The British Government in a case which arose in 1863. so instructed the British Minister at Peking.

In a criminal case, if the person injured is a Chinaman, and the Chinese Government approves the official act, by which the injury has been done, I think on the whole the wisest plan is in general to recognize the plea of the accused that he is protected by the approbation of the Chinese Government as valid and to discharge him. There may be indeed some danger

danger that feelings of animosity against foreign officials will be excited, but the Chinese are so obedient to their Government, that the danger is not very great. And our Government can, if it becomes necessary, forbid its citizens from entering upon the Chinese service. And possibly some limit might be set to the extent, to which this plea should be recognized, if it is thought that there is danger of any abuse of it in aggravated cases.

4. If the person injured is not a Chinaman, I do not see how we can escape the duty of judicial investigation. No European Government would be content, if one of its citizens or subjects were harmed by an American citizen in the alleged discharge of his official

duty

duty under the Chinese Government, and the accused were not fully tried in our Consular Court. Nor mutatis mutandis should we be satisfied without a Consular trial of a European in the Chinese service, who had injured one of our citizens. I doubt whether in any such case the plea of governmental authorization and approval of the act should be accepted as sufficient ground for the discharge of the accused.

5. In respect to what shall be required of Americans in the Chinese service, when they are called into Court as witnesses, I think it must be admitted that there are some things which they should not be asked to disclose. They should be permitted

to

to plead privilege to a certain extent. Perhaps it must be left to the Consul to decide in each case how far this plea shall be extended. But in view of the inexperience and lack of legal training of some of our Consuls, it would be helpful if the Government should lay down some general principles for their guidance.

It should ofcourse be regarded as the duty of the Consuls and the Minister to avoid in every way all unnecessary interference with the officials in the Chinese service and to discourage vexatious proceedings against them. But so long as we claim extraterritorial jurisdiction over our citizens, we must faithfully

discharge

discharge the duties which it imposes upon us.

I have the honor to be,
Sir,
Your obedient servant.
James R. Nuttall

Enclosure.

Printed copy of opinion of Chief Justice French of H.B.M's. Supreme Court for China and Japan, in the case Regina vs. Edward Page.

Despatch No 149.
Inclosure.

BRITISH SUBJECTS IN THE SERVICE OF THE CHINESE GOVERNMENT.

IMPORTANT DECISION BY CHIEF JUSTICE FRENCH.

In the case of Regina *v.* Edward Page, the hearing of which was commenced at Canton on the 15th Feb., before Chief Justice French, the important question was argued by Mr. Francis, on the part of the prosecution, and Mr. Hayllar, on behalf of the prisoner, as to whether the prisoner, being in the service of the Chinese Government, was amenable to British jurisdiction, for the alleged commission of an act, which had been adopted, approved and ratified, by and on behalf of the Emperor of China.

On the 22nd Feb., His Lordship gave the following

Judgment:—

The prisoner, Edward Page, was arraigned upon an indictment containing four counts. The first count charged him with the murder at Hato, in the province of Kuangtung, in the Empire of China, of one Li Amai, on the 26th October, 1880; the second with the manslaughter at the same place and on the same day of one Li Amai; the third with the murder at the same place and on the same day of a person whose name was unknown to the Acting Crown Advocate, and the fourth with the manslaughter at the same place and on the same day of a person whose name was unknown to the Acting Crown Advocate. Upon this arraignment the prisoner pleaded to the jurisdiction of the Court because, protesting that he is not guilty, nevertheless he says that he, being a British subject, did, with the sanction of the Queen, and as he lawfully might, on or about the 18th day of August, 1880, enter into the service, etc., of His Imperial Majesty the Emperor of China, as a Chinese Customs Revenue Officer, being duly and properly appointed to the said office, and that thenceforward, up to and including the time of the committing of the said alleged offence or offences in the said indictment mentioned, continued to be such Customs Revenue Officer as aforesaid, performing the duties of the said office and having and enjoying all the rights and privileges belonging and appertaining thereto. And he, the said Edward Page, further saith that thereupon it became and was his duty as such Customs Revenue Officer as aforesaid to aid the Government of His said Imperial Majesty in the protection of the Customs Revenue and in the prevention of smuggling. And he, the said Edward Page, further saith that on the said 26th October, 1880, in the due and lawful discharge of his duty as such Customs Revenue Officer, as aforesaid, and of his duty in the prevention of smuggling, he, accompanied and assisted by certain subjects of His Imperial Majesty the Emperor of China, did attempt to seize and capture, as he lawfully might, certain persons subjects of His said Imperial Majesty within the lawful jurisdiction of His said Imperial Majesty, and who then and there were engaged in an unlawful attempt to smuggle certain dutiable goods into the territory of His said Imperial Majesty, and to defraud the said Customs revenue, and did furthermore attempt to seize the said goods. And he, the said Edward Page, further saith that they the said Chinese smugglers did, being so unlawfully engaged as aforesaid, by force and arms resist their said capture and the seizure of the said goods, whereupon, firearms being first used by a certain person or persons other than the said Edward Page, and those accompanying and assisting him, as aforesaid, and subsequently by him the said Edward Page and by one of the said Chinese subjects accompanying and assisting the said Edward Page as aforesaid; and he the said Edward Page further saith that one of the said Chinese smugglers met his death from a bullet-wound; and the said Edward Page further saith that the said killing of the said Chinese smuggler so unlawfully engaged as aforesaid was a lawful act in accordance with the laws of China. And he the said Edward Page further saith that the crime or crimes, offence or offences, charged against him in the said indictment as aforesaid is or are the said killing of the said smuggler as hereinbefore related, and that the said alleged killing, murdering, and slaying in the said indictment charged, occurred as hereinbefore appears and not otherwise. And the said Edward Page further saith that the said killing of the said smuggler and the circumstances connected therewith having been duly and lawfully inquired into and investigated by the Chinese authorities lawfully empowered in that behalf by His said Imperial Majesty, and having been duly reported to the Tsung-li Yamên at Peking, the said Edward Page has been by the said Tsung-li Yamên acquitted of all blame, and his acts and conduct in connection with the death of the said smuggler have been adopted, approved, and ratified as an act of State by and on behalf of His said Imperial Majesty. And this he, the said Edward Page, is ready to verify; wherefore he prays judgment, if the said Court of our Lady the Queen nowhere will or ought to take cognisance of the indictment aforesaid, and that by the Court here he may be dismissed and discharged from the said premises in the said indictment above specified.

To that plea the following demurrer has been put in on behalf of the prosecution:—

The said Alexander Myburgh, who prosecutes for our said Lady the Queen in this behalf by John Joseph Francis, his representative aforesaid, as to the said plea of the said Edward Page by him above pleaded, saith that the same and the matters therein contained, in manner and form as the same are above pleaded and set forth are not sufficient in law to bar or preclude our said Lady the Queen from prosecuting the said indictment against him, the said Edward Page, and that our said Lady the Queen is not bound by the law of the land to answer the same because he the said Alexander Myburgh by his representative, the said John Joseph Francis, saith that the matters in the said plea pleaded, assuming them to be true in substance and in fact, which the said Alexander Myburgh, by his representative John Joseph Francis, doth not admit, are matters in excuse and justification and are properly pleadable to the jurisdiction of this Court, but can, and ought only, be pleaded in bar to the further continuance of this prosecution, and this he, the said Alexander Myburgh by his representative John Joseph Francis, who prosecutes as aforesaid, is ready to verify, wherefore for want of a sufficient plea in this behalf he, the said Alexander Myburgh by his representative John Joseph Francis, prays judgment and that the said Edward Page may be convicted of the premises in the said judgment specified.

On behalf of the prisoner there was a joinder in demurrer on terms. The question is whether upon the averments made in the above plea this Court has jurisdiction to entertain this prosecution. The plea involves the proposition that where a British subject lawfully and with the sanction of the Queen enters into the service of the Emperor of China, the conduct of such British subject, while in that service, and in discharge of his duties therein and being in conformity with the laws of China, cannot, under any circumstances, be made the subject of legal proceedings in a British Court of law, provided such conduct has been inquired into and approved, adopted, and ratified as an act of State, by the Emperor of China, and the proposition just stated, if established, involves this consequence, that under certain circumstances the acts of British subjects in China, although involving charges of a criminal nature, may be withdrawn entirely from the cognisance of the British authorities, and that thus the jurisdiction which the sequel will show has been given by treaty by the Government of China to the British Government of jurisdiction in China over British subjects is liable to the qualification that the acts complained of be not adopted as acts of State by the Chinese Government. The point then to be established on behalf of the accused under the plea, and this I understood to be the argument for the accused, is that the inquiry into the conduct complained of and its adoption, approval, and ratification as an act of State by the Emperor of China has ousted this Court of its jurisdiction in the matter of this prosecution. The foundation of the jurisdiction of Her Majesty over her subjects in China are the Acts 6 and 7 Vic., c. 80, and 6 and 7 Vic., c. 94. By the latter Act, called the Foreign Jurisdiction Act, it was enacted among other things that it should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have within any country or place out of Her Majesty's dominions in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory. Then by clause 2 of Article 16 of the Treaty of Tientsin (1858) it is provided that "British subjects who may commit any crime in China shall be tried and punished by the Consul or other public functionary authorised thereto according to the laws of Great Britain." By section 4 of the China and Japan Order in Council 1865, it is provided that—

All Her Majesty's jurisdiction exerciseable in China or in Japan for the judicial hearing and determination of matters in difference between British subjects, or between foreigners and British subjects, or for the administration or control of the property or persons of British subjects, or for repression or punishment of crimes or offences committed by British subjects, or for the maintenance of order among British subjects, shall be exercised under and according to the provisions of this Order, and not otherwise.

Section 5 provides that—

Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law, and other Law for the time being in force in and for England, and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

And section 6 provides that—

Except as to offences made or declared such by the Order, or by any Regulation or Rule made under it, any act other than an act that would by a Court of Justice having criminal jurisdiction in England be deemed a crime or offence making the person doing such act liable to punishment in England, shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence making the person doing such act liable to punishment.

Thus, according to this last provision, those acts only which are crimes or offences according to the law of England, or declared such by any regulation made under the Order in Council, are liable to punishment. In support of the plea Musgraves, appellant, v. Palido, respondent (Q.R., App. C., v. 5, p. 102) was mainly relied upon, and, on the authority of that case, it was contended that where it was established that the acts complained of were acts of State policy done under the authority of the Crown the defence was complete and the Municipal Courts could take no further cognisance of them. In Palido v. Musgrave the action was brought in the Supreme Court in Jamaica against the Governor of that Island for seizing and detaining a vessel. To that action there was a plea that the acts complained of were acts of State; but the plea did not show by proper and sufficient averments that the acts complained of were acts of State policy within the limits of the defendant's commission as Governor, and done by him as the servant of the Crown, so as to be, as they are sometimes shortly termed, acts of State. The Privy Council, in deciding the case on appeal from the decision of the Supreme Court in Jamaica said that a plea disclosing proper and sufficient facts would raise more than a question of personal exemption of the defendant from being sued as Governor, and would afford an answer to the action, not only in the Courts of the colony, but in all Courts; and that the question of personal privilege could not practically arise, being merged in the larger one, whether the facts pleaded showed that the acts complained of were really such acts of State as were not cognisable by any Municipal Court. Having regard to the views expressed by their Lordships in the Privy Council, it was said that the plea in this case had been framed with the object of meeting those views by averments showing that the acts complained of were acts of State policy, and it was con-

tended that the averments made in the plea were enough to enable the Court to say whether the circumstances therein stated were a matter of State. The argument for the accused seems to me to amount in substance to this, that in the article already referred to in the Treaty of Tientsin giving jurisdiction in China to Her Majesty over her subjects there, the following proviso should be considered as added, "Provided always that such jurisdiction shall not exist in cases in which the acts, the subject of a complaint, by whomsoever made, against a British subject, shall be shown and declared to be acts of State on the part of the Chinese Government," and that by the law of England the Treaty of Tientsin is to be read as if such a proviso were in express terms part of it. This argument, if it were to prevail, would seem to me to lead almost to an abrogation of the clause already stated in the Treaty of Tientsin, and would withdraw British subjects in cases in which it might be thought fit to apply the argument from all jurisdiction whatever. For if, in such cases, the matters of complaint could not be taken cognisance of by Her Majesty's Courts, they could not be punished by the law of China, inasmuch as the Emperor of China has given up the jurisdiction which he would otherwise have been entitled to over British subjects while in China and conferred it exclusively upon Her Majesty. The consequences to which such a view if established would tend need not be adverted to further than to say that acts might be excused as acts of State which to say the least could not meet with approval out of the country in which the acts complained of were said to be acts of State. Then arises the question what is to be the jurisdiction to determine the question whether the acts complained of are properly acts of State. Something more than the mere fact of their being approved of as acts of State would be required. Their *bonâ fide* nature as acts of State would have to be shown, and differences would in all likelihood appear in the laws of the two countries with reference to the matters of complaint. But it was said that as this Court admits evidence to show what is the law of China in regard to contracts affecting the tenure of land, and is bound by the law of China in regard to such contracts, so here the Court would admit evidence to show what was the law of China in regard to smuggling, and would be bound by what was shown by the evidence to be such law. By the law of nations, however, which is part of the law of England, contracts in regard to land are governed by the law of the place where the land is situated. To apply the same doctrine in the manner contended for would make the law of China in regard to smuggling the law of England, and would be antagonistic to the express provisions before stated of the China and Japan Order in Council, 1865. But further, no case has been referred to in which an act of State of a foreign Government has been held to be an answer to a criminal charge in a British Court of justice. In Dobree v. Napier, seven Bingham's N.C. 781, the defendant, on behalf of the Queen of Portugal, seized the plaintiff's vessel for violating a blockade of a Portuguese port in time of war. The plaintiff brought trespass, and judgment was given for the defendant, because the Queen of Portugal in her own territory had a right to seize the vessel and to employ whom she would to make the seizure, and therefore the defendant, though an Englishman, could justify the act under the employment of the Queen of Portugal. That case was an authority to show that an act authorised by the law of the country in which it takes place cannot be the subject of a legal proceeding in England. It was, however, a civil case, and there is no analogy between a civil action for a wrong done abroad and an indictment for an offence committed abroad. In Regina v. Lesley (29 L.J., M. C. 97) two points were raised, one as to what was done by Lesley while in Chilian territory in carrying from Valparaiso to Liverpool some political prisoners who had been banished by order of the Chilian Government to England, and the other as to what was done by Lesley out of Chilian territory in respect of the same matter, and the Court held as to the former acts he was not liable, and that as to the latter he was as much subject to the laws of England when on the high seas and out of Chilian waters as he would be on English soil. The latter ruling in this case seems to me opposed to the argument for the accused, inasmuch as the present case is to be determined in the same manner as if the acts complained of had taken place on English territory. In Buron v. Denman, 2 Ex., 167, the action was brought against Captain Denman for seizing and carrying away slaves and destroying property belonging to the plaintiff, who was a Spaniard engaged in the slave trade on the West Coast of Africa. Those proceedings having been communicated to the Lords of the Admiralty and the Secretaries of State for the Foreign and Colonial departments, they severally by letter adopted and ratified the act of the defendant. It was held, first, that the plaintiff had a property in his slaves and might maintain trespass for their seizure; and secondly, that the ratification of the defendant's acts by the Ministers of State was equivalent to a prior command and rendered it an act of State for which the Crown was responsible. This was the cause of a civil action, in which it was held by a British Court of law that where the acts complained of in an action at law had been adopted and ratified as acts of State of the British Government, the proof that such acts were acts of State was an answer to the action. It was argued that there was no real difference between the law of England and the law of China on the subject of smuggling, and that by the English law for the suppression of smuggling it was justifiable to fire into any ship suspected of smuggling in England and not bringing-to when required, and that upon the facts averred in the plea being proved the prisoner would have been acquitted in England if the case had occurred there, and in support of that argument the Customs Consolidation Act (1876) 39 and 40 Vic., cap. 33, sec. 181, was referred to. One important element mentioned in that section as necessary to discharge any proceeding at law in respect of such firing was not averred in the plea under consideration, namely, that there was any pendant or ensign hoisted in the boat of the accused with the view of indicating that it was engaged in behalf of the Chinese Customs service. I only observe on that argument with the view of showing that the plea does not contain an averment of every fact which it would be necessary for the accused to prove to discharge him from liability to punishment under the law of England. Phillips v. Eyre (L.R., 4 Q.B., 225) was also referred to. In bar to the action in that case for assault and false imprisonment of the plaintiff in the island of Jamaica, the defendant pleaded that since the matters complained of an act of indemnity had been passed by the legislature of Jamaica and assented to by the Crown, by which the defendant, the Governor of the Island, was indemnified in respect of all acts done in order to put an end to the rebellion, and such acts were made and declared to be lawful; and it was held that where the right of action in respect of an act otherwise wrongful was taken away before an action had been brought in England by a law binding where such act was done, no action could be maintained in England, and that the plea was therefore good. This also was the case of a civil action. In Hart v. Gumpach (L.R. 4 P.C., 439) which also was the case of a civil action, the Lords of the Privy Council said that the contention in that case that questions arising between officers in the service of a foreign Government ought not to be entertained by an English Court, although the litigants might be English subjects, was a contention which opened a question of great importance, but their Lordships thought that in that case the facts stated in the answer were insufficient to raise it. I may observe that in the cases of Regina v. Lesley and Dobree v. Napier, the Government of Chili on the one hand, and the Government of Portugal on the other, had not abandoned their territorial jurisdiction over British subjects as the Emperor of China has. In this case I fail to see that any of the authorities cited support the plea. In my opinion the demurrer must be allowed and an order made directing the accused to plead to the indictment.

The prisoner was then called on to plead, and pleaded not guilty.

The hearing of the case was then proceeded with.

Acted. approving Mr. Angell's action July 11. 1881. M. Crider

Mdec

No. 150.

Two Enclosures.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States,
Peking, April 30th, 1881.

James B. Angell to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

The Death of the Empress Dowager.

Synopsis.

Forwards two Imperial Edicts relating to the death of the Empress Dowager.

No. 150. Three Enclosures.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

In my No. 140. of the 11th instant, I announced the death of the Empress Dowager, commonly known as the Empress of the Eastern Palace.

I now inclose a translation of an Imperial Edict, which has been communicated to me by Prince Kung. It gratefully recognizes the virtues and services of the deceased Empress, describes her illness and death and orders the proper arrangements

for

1/150

for official mourning to be made.

I enclose also a translation of a Farewell Mandate of the Empress. This was not officially communicated to me, but appeared in the Peking Gazette. Though drafted by some official after the Empress's death, by a customary fiction it is ascribed to her, even though it describes her falling into unconsciousness, from which in fact she did not awake. I think the paper may interest you.

I forward also a copy of my reply to Prince Kung's communication, which covered the Imperial Edict.

The Court is still much occupied with the ceremonies of mourning.

I

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosures

1. Prince Kung to Mr. Angell.
21/1881. April 11th, 1881.
2. Valedictory Mandate of the Empress Dowager.
3. Mr. Angell to Prince Kung
23/1881. April 15th, 1881.

21/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

Peking, April 11th, 1881.

I have the honor to inform Your Excellency that on the 19th inst. the Grand Secretariat was honored by the receipt of the following Imperial Edict:

"Since Our entrance upon the "inheritance of the Great dynastic "line, looking upward, We have been "the recipient of fostering care and "unbounded maternal affection from "the departed Empress Tzu-chn Twan- "Hsi-K'ang-Ching-Chao-Ho-Chwang-Ching. "During the seven years which "have elapsed since Our accession to "the Throne, as, anticipating Her wishes, "with respectful care We have —

The titles of the Empress of the Eastern Palace which have been translated into Latin "Placidia

" provided for Her wants, Our efforts have
" been greatly rewarded by the joyous
" and happy contentment which She
" has always manifested.
" The robust health which
" We seemed to recognize in Her
" appearance and movements and Her
" zeal for State affairs at all times, were
" a source of great joy and comfort to Our
" mind, and We hoped that Her life
" would be prolonged a hundred years
" that She might long continue in the
" enjoyment of happiness. On the 7th
" instant the benign body was suddenly
" taken ill. A decoction of medicine
" was immediately given to dissipate the
" ailment and restore health, but
" unexpectedly on the following day the
" sickness rapidly grew dangerous,
" respiration was hindered by copious
" generation of phlegm and the case
" became urgent and desperate. Between
" the hours of 7. and 9. p. m. the benign
" spirit rode in the fairy Chariot and
" ascended to the remote regions.

(Prostrate

"Prostrate upon the earth with outstretched
"arms We raised Our cry to Heaven
"bewailing Our overwhelming grief.
"We have reverently received the
"dying behest of the departed Empress
"that the mourning garb be laid aside
"after twenty seven days. Our feelings
"would indeed be hard to reconcile if
"We should do this. We shall therefore
"observe deep mourning for one hundred
"days and half mourning for the
"full term of twenty seven months, to
"manifest in some degree Our sincere
"sorrow at this bereavement. The
"departed Empress having also admonished
"Us to endeavor to control Our sorrow
"and give due regard to the importance
"of State affairs so as to console the
"Empress Dowager "T'zu-Hsi[1]-Tuan-Yü-
"-K'ang-Yi-Chao-Yü-Chwang-Ch'eng," in
"return for Her care in educating and
"nurturing Us, We dare not disregard
"this advice, and, in respectful obedience
"to the bequeathed command, We shall
"endeavor to check and restrain Our sorrow,

[1] The titles of the Empress of the Western Palace — which have been translated in Latin Felicia

"Let the Prince of Tʻun, Yi Tsung; the
"Prince of Kung, Yi Hsin; the Beile,
"Yi-Kʻwang; the Minister of the Presence,
"Chung Shou; the Grand Secretary, Pao-
"Chun; the Assistant Grand Secretary
"and President Ling-Kuei; and the
"Presidents Ngen-Chʻeng and Ong-Tʻung-
"Ho with respectful care attend to
"the rites and ceremonies to be observed
"in the present mourning. [Let them
"carefully examine the prescriptions of
"the old Canon and memorialize Us
"as to the appropriate rites and
"ceremonies to be observed. Let this
"Decree be promulgated throughout the
"Empire for the information of all,]
"Respect this!"

It becomes my duty to forward a reverently prepared copy of the foregoing Edict for Your Excellency's information.

His Excellency James B. Angell,
etc. etc. etc. etc.

*Note - The part in brackets is not included in Prince Kung's communi-
but appears in the copy of the Edict published in the Peking

Valedictory Mandate of the Empress Dowager.

An Edict of the Empress Dowager "Tzu-An* Tuan-Yü-K'ang-Ch'ing-Chao-Ho-Chwang-Ching saith:—

Our virtues are very insignificant. We reverently received by Decree of His Imperial Majesty, Wen Tsung Hsien,† the dignity of Empress. When His Imperial Majesty Mu-Tsung-Yi‖ succeeded to the great heritage His filial piety was always sincere. With unaffected respect and sincerity He anticipated Our wishes and zealously provided for Our wants. Since His Imperial Majesty, the reigning Emperor, entered upon the inheritance of the great dynastic line, His regard for Our wants and zealous enquiries after Our health, have shown the natural sincerity of His filial piety. From the time of His Accession to the Throne, His great aim has been by every endeavor to attain to that perfection of a reverent and virtuous nature by

* Placidia.

† The Emperor Hsien-Fung

‖ " " Tung Chih

(a

a diligent pursuit of His studies, thereby greatly rejoicing and comforting Our mind.

Notwithstanding the complex nature of the multifarious affairs of Government which have claimed Our diligent attention both night and day, it has still been Our good fortune to enjoy a robust and strong bodily constitution, and We indulged the hope that Our life might be prolonged till We should attain to the state of helpless oldage.

On the 7th instant We were attacked by a slight indisposition. His Imperial Majesty visited on Us with a restorative, and was solicitous for Our health praying for Our speedy recovery. Unexpectedly on the following day Our condition became dangerous and gradually about the hour of 8. p. m. Our senses became scattered, until all hope of recovery has passed away.

Our age has reached the number of forty and five years. During the twenty years in which We have enjoyed the exalted rank and prerogative of Mother

of

of the Nation, We have frequently been blessed with the bestowment on Us of titles of honor on every occasion of national rejoicing. There is nothing on which We can look back with disappointment.

Believing that His Imperial Majesty, The Emperor, will naturally be smitten with great grief at this bereavement, and as in His character of Lord of the people the whole nation is interested in the welfare of His person, We hereby enjoin on Him the wisdom of moderating His sorrow in view of the great importance of State affairs, and looking upward, to comfort and solace Her who has labored for His instruction and education, the Empress Dowager "Tzu-Hsi-Yuan-Yu-K'ang-Yi-Chao Yü-Chwang Ch'eng."

It is Our hope that all Our officials, both civil and military, in the Capital and the provinces may by sedulous attention to their official duties help to bring about good rule. Thus in truth will Our soul rest in happiness.

* Felicia

As

As regards the observance of mourning, it is Our wish that His Majesty, The Emperor, will, on consultation, and in obedience to the prescriptions of the old Canon, lay aside the mourning garb after twenty seven days. On no account should any departure or diminution be made in the usual ceremonies of worship and sacrifice in the large State Temples, nor should the rites and observances of the smaller Temples be interrupted. We have heretofore been the leading example of economy and frugality in the Palace, but We do not wish to dissimulate Our modesty by willing that any abatement be made in all matters of mourning as prescribed by Canon. We wish however that a little moderation should be practised in regard to funeral trappings and ceremony, that due regard may be given to economizing labor and material. Thus will compliance be shown with the modest wishes of Our daily life.

Wherefore We have given utterance to the foregoing decree, May all concerned act in obedience thereto.

23/1881.

Mr. Angell to Prince Kung.

April 15th, 1881.

I have had the honor to receive Your Imperial Highness' communication of the 11th instant containing the Edict of His Imperial Majesty concerning the death of the Empress Dowager Tzu-an-Tuan-Yü-K'ang-Ch'ing-Chao-Ho-Chwang-Ching.

I desire in behalf of the Government and the nation which I represent to express the sincere sympathy with His Imperial Majesty and with this nation, which they will feel on hearing of the death of the Empress Dowager, who has fulfilled the duties of her high office with such devotion to the welfare of the people and such helpfulness to Their Imperial Majesties Tung Chih and Kwang Su.

With assurances of distinguished consideration.

I am. &c.

(signed) James B. Angell.

File

Ack. C. P.

Trade

No 151. Two Enclosures.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States,
Peking, April 30th, 1881.

James B. Angell to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject

Transit Passes Outwards.

Synopsis.

Reporting the present state of the correspondence.

No. 151. Two Enclosures.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine.

Secretary of State.

Sir:—

In my No. 95. of January 14th last I reported the latest negotiations between the Diplomatic Body and the Foreign Office on the subject of Transit Passes outwards. The decision which the Representatives of the Western Powers reached at their Conference of January 4th was communicated on January 9th to the Tsung-li-Yamên by Mr. Von Brandt in a paper herewith enclosed. 1/151.

As

As before stated, that decision was to adhere to our previous propositions, except that Rule II. should be modified so as to state specifically what articles of foreign manufacture or origin and what articles of native manufacture or origin shall be duty free.

On February 9th, the Tsung-li-Yamen replied to Mr. Von Brandt in a communication, a copy of which is
2/151. enclosed. They take exception in some particulars to the amended Rule II. [enclosed in Nº 95.] and especially indicate that in their opinion the terms "household stores" and "Ship's stores" need to be defined. They ask us to wait until the Inspector General of Customs has furnished them a list of articles which can be considered "Ship's stores".

As

As to goods manufactured from native produce they still desire that these shall be reported to the Customs for examination.

I have delayed forwarding these papers in the hope that we might come to some definite understanding on the subject. But progress has been so long hindered by various causes that I deem it best to acquaint you with the present state of the correspondence.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosures.

1. Mr. Von Brandt to the Tsung-li-Yamen January 9th, 1861.
2. The Tsung li Yamen to Mr. von Brandt February 9th, 1861.

Mr. Von Brandt to the Tsung-li-Yamen.

January 9th, 1881.

I have the honor to acknowledge the receipt of Y.Y.E.E. communication dated December 5th inst being an answer to a note from me on the subject of outward transit passes and other questions.

I regret sincerely that the state of my health has prevented me from discussing the question verbally with Y.Y.E.E. as my intention had been, and still prevents my going to the Yamen, in order however not to lose any more time I have now the honor to lay before Y.Y.E.E. in writing the reply to your note of December 5th inst which I have been authorized by my Colleagues to make to it.

With regard to the first point, the list of duty free goods, there can be no doubt in the opinion of my

Colleagues

Colleagues and myself that certain articles in the list being marked "foreign" and others not, under the first ones articles of foreign origin are understood and under the other ones, those of foreign or native origin. The articles of foreign origin would of course be imported and then pay no import duty, while those of native origin would be exported and pay no export duty. The mention of transit duty in connexion with duty-free articles clearly refers only to goods of foreign origin as in the body of the treaty no provision is made for the application of the transit duty rule to native produce carried inland.

As the discussion now going on between the Yamen and the Foreign Representatives is however intended in the first instance to do away with such difficulties as have arisen from time to time, and as would, unless remedied, be likely to cause misunderstandings and ill feeling between China and the treaty powers, my Colleagues and myself

(propose

propose to the Yamen to accept in lieu of Trade rule 2 as read until now the version annexed herein, which to my Colleagues and to myself seems to have the undoubted advantage of doing away with the ambiguity which H. H. E. E. seem to find in the expressions used in the original rule.

As H. H. E. E. will see from the annex it is only for sixteen articles of native origin that my Colleagues and myself claim freedom from export duty under the treaties and as none of these articles is of much importance we hope that the Yamen will see in this proposal, which we substitute for section II. of the former proposal, the means of coming to an understanding with the foreign Representatives.

With regard to the second point the treatment on exportation of native produce bought in the port by a foreigner and exported by him, my Colleagues and myself must insist on the necessity of giving to the treaty

(rule

rule that on such produce nothing but the tariff export duty has to be paid, a full and explicit reassertion in the proposed agreement. If the treaty rule had been strictly observed by all the provincial authorities such re-assertion would of course be unnecessary, but as on the contrary attempts have been frequently made by local authorities to force foreign exporters to pay transit duties on goods bought at the port my Colleagues and myself trust that Y.Y.E.E. will understand the desirability and necessity of the rule contained in the treaty being announced in a form less likely to give rise to misunderstandings.

On the subject of goods manufactured from native produce, my Colleagues and myself fail to see how by such a process going on at the open ports, the goods so manufactured paying export-duty on exportation, any confusion can arise. It is generally believed to be a sound principle of political economy that industry and commerce will develop the more rapidly

and

and become a greater source of revenue to the state the less they are interfered with and hampered by rules and regulations. My Colleagues and myself hope therefore that Y. Y. E. E. will withdraw your opposition to Section III. which after all contains nothing but a reassertion of the state of things as created by the treaties, — while the introduction of the measures of supervision proposed by the Yamên would be an innovation and as such, as we firmly believe fraught with serious dangers and difficulties.

Before closing this letter I beg to state that, though the last delay in the negotiations has been due to my inability of meeting Y. Y. E. E., my Colleagues and myself would feel so much the more obliged to Y. Y. E. E. for a speedy reply, as the necessity for stricter instructions being issued to the local authorities makes itself more strongly felt.

I avail, etc

(signed) Von Brandt.

The Tsung-li-Yamen to H. E. Mr. von Brandt in reply.

This Office has had the honor to receive Your Excellency's despatch of January 2th last containing among other statements the following:—

× × × × × × × × × × × × × "my Colleagues and myself propose to the Yamen to accept instead of Trade Rule N° II. as read until now the version annexed herein, which to my Colleagues and myself seems to have the undoubted advantage of doing away with the ambiguity which Y. Y. E. E. seem to find in the expressions used in the original rule." × × × × × × × × "we hope that the Yamen will see its way to accept this proposal which we substitute for Section II of the former proposal". × × × × × .

"With regard to the second point, the treatment on exportation of native produce bought in the port by a foreigner and exported by him, my Colleagues and

(myself

myself must insist upon the necessity of giving to the treaty rule that on such produce nothing but the tariff export duty has to be paid, a full and explicit reassertion in the proposed agreement."

× × × × × × × × × × ×

× × × × × "On the subject of goods manufactured out of native produce, my Colleagues and myself fail to see how by such a process going on at the open ports, the goods so manufactured paying export duty on exportation, any confusion can arise." × × × × × × × ×

× × × × × × × × × ×

× "my Colleagues and myself would feel exceedingly obliged to Y.Y.E.E. for a speedy reply."

This Office finds, in Rule II. now proposed by Your Excellency, in the list of goods of both native or foreign origin which it is claimed shall be duty free, the two items viz:- Indian meal,* and Sago:* whereas it is stated

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* * In the form of Rule II. submitted to the Yamên, the

in the export-tariffs of all the treaties that "Rice or paddy, wheat, millet, and other grains", shall pay an export duty of one mace per 100 catties; butter is also claimed to be duty free in the same list, when the Russian Treaty stipulates that this article shall pay an export duty of 3 mace per 100. catties. The above articles are therefore not included in the list of duty free goods according to the treaties.

The Chinese text of Trade Rule No 2, reads thus × × × × foreign clothing, jewellery, plated ware, etc. etc. × × ×. In the form of Rule 2 now submitted, the items_clothing, and plated-ware are included in the list of goods of foreign manufacture or origin, while jewellery is included in the list of both foreign

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characters used are "御米麪 yü mi mien", for "Indian meal", and "砂穀 sha ku" for "Sago": while in the Yamen's reply the two articles are spoken of as "米穀" mi ku. The latter characters really mean "husked and unhusked grains", but they may be intended as an abbreviation of the words as expressed in full in the form submitted.

or native manufacture or origin: this difference is not in harmony with the original purport of the rule.

Then again the words household stores, and ship's stores, are very comprehensive terms if the goods included under these designations are not particularized, all manner of goods may be termed stores and thus claim exemption from duty to the great detriment of our revenue. The addition of the characters "and articles of this class" to the item cutlery is also open to the above objection.

This Office proposes to wait till the Inspector General of Customs will have made out a list of the articles used in dock-yards to be considered ship's stores, when correspondence can again be had between us to determine with precision what articles are included in the foregoing designations.

In regard to the second point, the Treaties state in explicit terms that native produce purchased by foreign merchants shall pay on exportation

(no

no more than the tariff export duty. —
It is therefore quite proper that this
point be explicitely stated in reassertion
of the spirit of the treaty.

With regard to goods manufactured
out of native produce purchased by —
foreign merchants it is apprehended
that irregularities will occur if the
goods are not previously reported at
the Customs for examination, while
it will be quite simple to proceed with
the operation after the goods have passed
the examination. This Office forwarded
in a previous communication two rules
in this connection which clearly explain
the requirements of the situation, and
we have still to request Your —
Excellency to give to them your favorable
consideration.

Apologizing for the delay in answering
Your Excellency's communication.

We etc. etc.

Cards and compliments.

Acknd June 25 1881
Ack. congratulate Minr & express gratification at the successful issue of his measures to quell the disturbance C. P.

Wade

No 152. Five Enclosures.

Legation of the United States,
Peking, April 30th, 1881.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

James B. Angell to
the Secretary of State.

PRINTED
FOREIGN RELATIONS
1881

Subject

Disturbance at the American Presbyterian Mission

Synopsis.

Narrates the full particulars of a disturbance by the Chinese at one of the American Missions in Peking and describes the measures taken by the Chinese Authorities to suppress it.

No. 152. Five Enclosures.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

I have to describe to you an event, such as fortunately it has seldom been the duty of this Legation to report, the disturbance by some lawless Chinese of one of the American Missionary Stations in Peking. Happily no serious harm has been done to person or property, though for at least twenty four hours the missionary families at the station which was menaced

(over

were kept in a state of not a little solicitude. It was the compound of the Presbyterian Mission which was threatened.

Their station is very near the Northern wall of the city, perhaps four miles from this Legation and two and a half miles from the residence of any other foreigners. Their compound is pretty large, containing within it a chapel, two school-houses, two dwelling houses and other buildings. The members of the Mission are Rev. John Whoory and family, Rev. D. C. McCoy and family, B. C. Atterbury M. D., and Miss Barr, Miss Dowo had left for home a week before this disturbance.

The Rev. Mr. McCoy who has resided here many years, being about

to

to visit America, had publicly announced that on Saturday, April 23rd, at 1 O'clock p. m. he would sell by auction certain of his effects. A number of lawless Chinamen made their way into the court-yard during the sale and began to break the branches of some flowering shrubs. On being requested to desist, they were very insolent. When they were asked to leave the premises, some refused to go, and some of those who went began throwing brickbats, tiles, and other missiles into the court. From this time the crowd rapidly increased, soon filled the street and became very annoying. Messengers were sent to the police office of the neighborhood, and some little show of attempting to controll the mischievous fellows

was

was made, but apparently there was no earnestness in the attempt and it was entirely unsuccessful.

Mr. McCoy therefore very properly concluded at last to send a messenger to me. The messenger reached me at nine o'clock in the evening. I at once sent back word that I would act without delay. Soon after two messages reached me announcing that the crowd had dispersed. But I thought it wise to send Mr. Taylor, our Acting Interpreter, to the Tsung-li-Yamēn to announce what I had heard and to request that an adequate police force be sent at once to protect the place. At that hour of the night none of the Ministers are at the Foreign Office, but two of the Secretaries who were there promised that

that the desired orders should be promptly sent. Meantime the British Minister having kindly offered to send one of his mounted escort men to the Mission, I wrote to Mr. McCoy what I had done. The English constable returned at one o'clock a.m. bringing the assurance from Mr. McCoy that quiet still continued. But the constable reported that suspicious looking men were lingering about the premises.

On Sunday morning at ½ past 10. a.m. I rode up to the Mission. I found about fifty Chinamen gathered in front of the gate and Rev. Mr. Doherty, one of the Missionaries, talking with them. I inspected the premises and became satisfied from what I saw and heard that within an hour there would again be a large assemblage in the street and

(danger

danger of further trouble. So I galloped as rapidly as possible to the Legation and with the Interpreter hurried to the Foreign Office to complain that no proper police force had yet been sent and to represent that action must be taken without the least delay. As it was then (at noon) too early for the Ministers to be at the Foreign office, I saw one of the Secretaries, who assured me that all I asked should be done immediately. Meantime Sir Thomas Wade having heard that I had gone to the Mission and that a throng was gathering there had kindly sent his Chinese Secretary, Mr. Baber, with a mounted escort first to the Foreign Office and thence to the Mission.

Soon after my return from the

Foreign

Foreign Office I received the news that, as I had anticipated, a crowd of some hundreds had gathered about the Mission premises, that they were making offensive demonstrations, but that a police sergeant had made one arrest, and that this had caused many of the Chinese to go away. But I thought it judicious for me to see the Ministers of the Foreign Office, So at 2½ p. m. I went up again and met three of them. I found them apparently very desirous of putting an immediate end to the trouble. They informed me that His Excellency Chiang, who is one of their number, and who is also Lieutenant General, in command of the troops of the Western half of the city, had already gone to the scene of disorder, I suggested that there should

(be

be a guard left there through the night and that some suitable proclamation should be posted on the walls to prevent any further trouble. They said that they would attend to all this. I sent a messenger to the Mission to announce the result of my interview with the Ministers. In about two hours the messenger returned with the news that Ch'ung had arrived on the ground early in the afternoon with forty soldiers, had arrested five men, and that the crowd had dispersed. The Foreign Office sent me a similar report at evening, a copy of which I enclose,

1/152.

Monday morning early I sent up a messenger who reported that twenty soldiers had guarded the

premises

premises through the night, and
that there had been no disturbance
there, but that the drug store and
residence of one of the Chinese converts
had been stoned. I sent Mr. Taylor 2/15.
to the Foreign Office to thank them
for their action, to request that the
proclamation be posted on a chapel,
which the Mission owns and occupies
in another street, and also to inquire
whether it might not wisely be
placed on the residence of the Chinese
church member who had been disturbed,
and whether there was any reason
why Mr. McCoy should not set out
on his journey on the following day.
In a few hours I received a message 3/15
from the Foreign Office saying that
the proclamation would be posted

(on

on the street chapel and that Mr. McCoy could depart whenever he wished and that if desired they would furnish him a military escort. As to the druggist, he being a Chinaman, had only to apply to the local authorities if he needed protection.

In the afternoon I visited the Mission and found the soldiers still there. I learned also that the local police official, the Ting-erh, had been removed and degraded, but whether for his inefficiency or for some other cause I do not know. He desired an interview with me to ask that I would intercede for his restoration to office. I declined to see him. While I was there, the proclamation of En, the

the Military Governor of the city, and Ch'ung and Wen the Lieutenant Generals, was posted on the wall opposite the entrance to the Mission. I enclose a translation of it. 4/152

On Tuesday, the 26th, the five men who had been arrested and probably bambooed, were placed before the gate of the Mission with cangues upon their necks.

And so I trust this affair has ended. The Tsung-li-Yamen have shown the most commendable spirit in their treatment of the case. In truth the affair has an importance just now which in ordinary circumstances it would not have, and it is not at all improbable that this not very serious disturbance has happened just in time

to

to prevent a graver disorder. There has been for the last two or three weeks a rapidly increasing flood of rumors in and about Peking of some sort of a general movement against foreigners. One day the report has come that the towers of one of the Roman Catholic churches or the church itself was to be destroyed. The next day the story was that the stone posts and chains which make an inclosure in front of the French Legation were to be torn down. The ignorant populace feed on such tales and become morbidly excited so that the slightest disturbance may easily grow into a serious affair. These Chinese stories all connect themselves with the arrival of Tso Tsung Tang in Peking.

Peking. The people say he has been called here to restrict the privileges of foreigners. While there is no reason to suppose that he has consciously incited the people to any improper steps, one who has seen him can well believe than in an incautious and sweeping way he may have said things, which have been taken up and exaggerated in passing from lip to lip and have really contributed to produce the feeling, of whose existence there is ample proof. I spoke to the Yamen of these rumors, as some of the other Ministers have also done. They assured me that they were desirous of learning who originated them and of punishing severly such persons. And well they may be. For repeatedly in China such reports have

(been

been the precursors and in large part the causes of serious disorder and of crimes. The prompt treatment of this little disturbance at the Presbyterian Mission will doubtless prevent any further trouble in the city.

I have taken occasion formally to thank Sir Thomas Wade for the aid he kindly gave me.

Just as I am closing this despatch I have received from the Foreign Office a communication (semi-official) reciting the action which has been taken by the authorities in suppressing this disorder at the Mission.

I shall at once send them a communication expressing my appreciation of the course of the Tsung-li-Yamen and the Military authorities. I enclose

(a

Ask gratification

a copy.

5/182.

I have the honor to be,
Sir,
Your obedient servant,
James B. Angell

Enclosures.

1. Semi-official note from the Tsung-li-Yamen.
2. Memorandum of instructions to Mr. Taylor.
3. Semi-official note from the Tsung-li-Yamen.
4. Translation of Proclamation.
5. Mr. Angell to the Tsung-li-Yamen.

Semi-official

With reference to the disturbance in the Yen erh Hutung*, the writers have to state that His Excellency Ch'ung has proceeded to the locality in person to suppress the mob. Five men have been arrested and will be punished. Quiet has now been restored, and moreover a small company of men have been ordered to remain there for protection. The writers trust there will be no further cause for anxiety and write this special letter for Your Excellency's information.

With compliments etc.

Cards of the Ministers.

To His Excellency Mr. Angell.

Peking, April 24th, 1881.

* The street in which the American Presbyterian Mission is situated.

Memorandum of Instructions to Mr. Taylor.

April 25th, 1881.

Mr. Taylor will see one or more of the Secretaries of the Tsung-li-Yamen. He will ask them to convey to the Ministers my thanks for their action yesterday, and for sending me information last evening.

He will say that while they are posting proclamations I would be obliged to them to order one posted on the chapel called 真神堂 in order to prevent disturbances there when services are held there.

He will also report that last night disorderly persons threw stones on to the roof and into the court of one of the members of the Church, doubtless because he is a member of the Church. I would respectfully suggest to Their Excellencies whether in the interests of order which they are so faithfully striving to preserve it might not be well to post one of the proclamations on the residence of this man which is known as 天益堂.

He will say that Mr. McCoy had

intended

intended to leave tomorrow for Tsing Chow and ask whether it is advisable that he delay his departure at all.

(signed) James B. Angell.

Semi official.

The writers have communicated to the Ministers the matters about which the Interpreter came to this Office to speak this morning, and have been instructed by Their Excellencies to say in reply that, as requested, a Proclamation will be posted on the door of the Chapel called Chen Shen T'ang (真神堂). The shopkeeper of the shop Tien Yi T'ang (天益堂) however being a Chinaman, questions relating to Chinese subjects must come under the jurisdiction of the local authorities; and it is inexpedient for this office to go beyond its province. His Excellency Mr. Angell, we doubt not, understands this.

As to whether it would be advisable for the Missionary (Mr. McKay) to postpone his departure, we have to say that it is unnecessary that he should be caused any detention for a small affair like this,

seeing

seeing he has fixed the day for his departure. We propose as a fitting arrangement, if Mr. Angell will inform us by letter of the day when he intends to start, to send a military escort to see him out of the city.

With compliments etc,

Cards of the Secretaries.

To

Mr. Interpreter Taylor.

Peking, April 25th, 1881.

Proclamation of En, Ch'ung, and Wen. (Chief Military Authorities of Peking)

Let all you people clearly understand this:—

Whereas, at the sale of furniture which took place at the Chapel in the Yen Erh Hu-Tung, the said sale being conducted with perfect fairness between buyer and seller, there were ignorant fellows who crowded the place and availed themselves of the situation to create a disturbance, thereby greatly hindering and damaging the sale;

Therefore we issue this proclamation and expect you residents in the neighborhood, both soldiers and commoners, likewise you passers by, one and all to clearly understand that you are not to yield to your feelings and loiter in the vicinity of the Chapel to

(create

create a disturbance. If after this admonition there be fellows who disregard this proclamation and dare to create a disturbance, we trust to the local police and the military whom we shall send in addition, to arrest them and send them to our office, when severe punishment will be dealt out. On no account will any indulgence be shown.

Let none disregard this special proclamation.

Ruang Hsü, 7th year, 3rd moon, 27th day. (Ap. 2

A bona fide placard

Mr. Angell to Prince Kung.

April 30th, 1881.

I have the honor to acknowledge the receipt of a communication (semi official) from the Foreign Office, describing the action which has been taken in suppressing the disorder at the American Mission in the Yen erh Ta Tong.

I desire to express my grateful appreciation of the prompt and vigorous action of the higher authorities in arresting and punishing five persons, in posting a proclamation, and in guarding the premises.

I am. &c,

(signed) James B. Angell.

No 153. One Enclosure.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States.
Peking, April 30th, 1881.

James B. Angell to the Secretary of State.

Subject

Mr. Angell's Salary Account.

Synopsis.

Forwards a duplicate of Mr. Angell's Salary Account for the first quarter of 1881.

No. 153. One Enclosure.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine.

Secretary of State,

Sir:—

Referring to my despatch No 137. I now have the honor to forward a duplicate statement of my account for Salary for the 1st quarter of 1881.

I have the honor to be,

Sir,

Your obedient servant

James B. Angell

Enclosure,

1. Duplicate statement of Salary account for the 1st quarter of 1881.

No 154. One Enclosure.

Legation of the United States.
Peking, April 30th, 1881.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.

Legation Rent Account.

Synopsis.

Forwards a duplicate of the Legation Rent account for the 1st quarter of 1881.

No. 154. One Enclosure.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

Referring to my despatch No. 138, I have the honor to transmit, herewith, a duplicate statement of the Legation Rent Account for the first quarter of 1881.

I have the honor to be,

Sir,

Your obedient servant,

James B. Angell

Enclosure,

1. Duplicate of Legation Rent Account for the first quarter of 1881.

No. 155. One Enclosure.

DEPARTMENT OF STATE
JUN 20 1881
RECEIVED

Legation of the United States.
Peking, April 30th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Incidental Expense Account.

Synopsis.

Forwards a duplicate of the Incidental Expense Account of the Legation for the first quarter of 1881.

No. 155. One Enclosure.

Legation of the United States.

Peking, April 30th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

Referring to my despatch No. 139. I have the honor to forward, herewith, a duplicate statement of the Incidental Expense account of this Legation for the first quarter of 1881.

I have the honor to be, Sir,

Your obedient servant.

James B. Angell

Enclosure.

1. Duplicate of the Incidental Expense account of the Legation for the first quarter of 1881.

Secretary of State,

Give to Press C. P.

No. 156. One Enclosure.

DEPARTMENT OF STATE JUN 20 1881 RECEIVED

Legation of the United States.

Peking, May 2nd, 1881.

James B. Angell to the Secretary of State.

Subject.

Proclamation issued in Peking.

PRINTED FOREIGN RELATIONS

Synopsis.

Forwards a translation of a recent proclamation issued by the Military Authorities to suppress rumors of intended mischief against foreigners in Peking.

(Noted in No 8.)

No. 156. One Enclosure.

Legation of the United States.

Peking, May 2nd, 1881.

Honorable James G. Blaine,

Secretary of State.

Sir:

In my No. 152. of April 30th, I spoke of rumors current among the Chinese to the effect that some harm was to be done to the property or persons of foreigners in Peking. In my interview with the Tsung li Yamen on the 23rd ultimo, I referred to these mischievous reports and they assured me that they should endeavor to detect the originators of the rumors and

(to

to punish them.

At the instance of the Foreign Office the Military Authorities have

1/156. now issued a proclamation, a copy of which I enclose. It has not been communicated to me officially. The translation which I forward to you is of a copy taken from the posters on the streets. The Prefect of the District, which comprises PeKing and the suburbs has issued a similar proclamation.

There is no cause for any solicitude concerning the safety of foreigners in PeKing.

I have the honor to be, Sir,

Your obedient servant,

James R. Hyde

Enclosure,

1. Translation of Proclamation of the Military Authorities of PeKing.

Proclamation of En, Ch'ung, and Wen, (the Chief Military Authorities of Peking)

Let all you people clearly understand this.

A communication has been received from the Tsung-li-Yamen reciting as follows:— "China and "Foreign nations have always been on "terms of peace since commercial relations "were established long ago. The Government "has the same considerate regard for "strangers as for her own subjects and "treats all alike with the same rule "of conduct. Now, it has recently come "to our ears that many extraordinary stories "are going the rounds in the streets and "bye lanes. There must be some discontented "meddlesome fellows who invent stories "among themselves and go about spreading "them in such a way that it is really to "be apprehended that falsehood upon falsehood

"falsehood will foment some real trouble.
"We have to request that a strict
"proclamation will be issued to put a
"stop to this, so that virtuous law abiding
"people may not be deceived by these
"stories etc. etc.

Having received the above, it is right that we should issue a public notification. Wherefore this proclamation. We expect you officers and soldiers of the local guard stations to take careful note that if there be lawless discontented vagabonds and loafers as aforesaid who fabricate stories with a view to creating a disturbance, you are to arrest them on the spot and send them in chains to this office to be severly punished. On no account will any indulgence be shown. And you soldiers and people we hereby admonish you on the issuing of this proclamation to go about your respective duties and not give ear to false stories whereby you may involve yourselves in trouble. Let all concerned tremble and obey this special proclamation.

Ruang Thii, 7th year, 4th moon, 1st day.

No 157.

Nos 2 to 6 inclusive, forwarded with Mr Angell's despatch No 157 of July 7. 1881. Mr Hitt

Legation of the United States,

Peking, May 14th, 1881.

James B. Angell

to

the Secretary of State,

Subject.

The Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches Nos 76, 77. 78. and 79. and returns a despatch addressed to Mr. Longstreet and sent through some inadvertence to this Legation.

DEPARTMENT
JUL 5 1881
RECEIVED

No. 157. One Enclosure.

Legation of the United States
Peking, May 14th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I have the honor to acknowledge the receipt of your despatches numbered 76. 77. 78. and 79.

There has also been sent to me through some inadvertence your No. 23. to Mr. Longstreet and with it, not its proper enclosure, but Mr. Carroll's Commission as Vice-Consul at Canton. I herewith return the despatch to Mr. Longstreet. I will forward to Canton the

(commission

Commission of Dr Carrow.

I have the honor to b

Sir,

Your obedient servant

James B. Boyd

Enclosure,

– Department's despatch No 23. to Mr.
Longstreet.

File Thus is made nothing to be done on Consular

No. 158. One Enclosure.

Legation of the United States.

Peking, May 14th, 1881.

James B. Angell to the Secretary of State.

Subject

Decision of the case United States vs J. N. Burnett.

Synopsis

Forwards a copy of Mr. Angell's decision of the above case, as requested by the Department.

No. 158. One Enclosure.

Legation of the United States.

Peking, May 14th, 1881.

Honorable James G. Blaine,

Secretary of State.

Sir:

In compliance with the request contained in the Department's despatch No. 72, I transmit herewith my decision in the case United States vs. J. H. Barnett. The Record of the trial in the Consular Court fills nearly 300. pages of manuscript. Since my explanation to Prince Kung of the grounds of my decision I have heard of no complaint in regard to it from him or from any other source.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

James B. Angell.

Enclosure.

1. Mr. Angell's decision of the Burnett case.

6

The Court of the Legation of the United States in China.

The United States
vs. } Abduction.
J. H. Burnett

This case comes up to me from the Court of the United States Consulate, District of Ningpo, E. C. Lord - Consul, in accordance with Section 4406. of the Revised Statutes.

The Record recites as follows:—

[a] Complaint filed in the Consular Court by N. E. Wen, Taotai of Wenchow, Feb. 28, 1880. and amended during the trial, charging as follows:—

"That the said J. H. Burnett, a citizen of the United States of America, residing

residing at the port of Wenchow, in the Empire of China, did on the night of the 8th day of February, 1880, cause to be seized and carried off against her will, a nun named Tsung Ling, from the nunnery called Ming-ctw, located at the place called Pau Gyiae, in the 7th section of the Yung Kia District, with the intent the said Tsung Ling carnally to know: that he did cause the said to be forcibly conveyed to his place of residence in the temple called Kiang Ying on the small island opposite the city of Wen chow; and that with the intent aforesaid he did cause her to be detained there against her will five or six days.

The said Wen, Taotai of Wenchow, who makes in substance the above complaint, prays this Court to arrest and bring to trial the said J. H. Burnett, for the above named offense."

Consul Lord appends his certificate of his belief that there is cause to justify the arrest of Burnett.

A letter from Wen, and the depositions of Chinese witnesses examined by him accompany the complaint.

[b] Record of the result of the trial of Burnett on the 10th, 11th, 12th, 13th, 15th and 16th, days of March 1880, on the U. S. steamer "Monocacy" before Consul Lord and three officers of said ship sitting as Associates, the Consul finding him guilty of having been an accomplice in abduction, the Associates not concurring.

[c] Opinion of the United States Minister, Mr. Seward, declaring the judicial proceedings irregular and void.

[d] Proceedings of the Consul in attempting to secure the second arrest of Burnett.

[e] Record of trial at Ningpo, beginning Sept. 27th, 1880, including testimony taken, chief legal citations of counsel, the judgment and opinion of the Consul, the dissenting opinions of the three associates,

and

and the formal announcement of the Consul that the case must be sent up to the Minister.

The Consul found the accused guilty of the charge preferred against him, the three associates found him not guilty.

I. In examining this case I find that certain facts are admitted by the accused or are proved beyond any doubt, These facts are the following:—

[a] Burnett asked the boatman Ah-Yi to procure a Chinese woman to come to him and cohabit with him.

[b] Ah-Yi with the help of some other boatmen, took the nun, Tsung Ling, seventeen years of age, by force from the nunnery Ming Chu, in the seventh section of the Yung Kia district, on the evening of February 8th, 1880.

[c] Ah Yi and the boatmen brought her at once to the compound or temple, in which Burnett lived and left her in the

the quarters of Ah Sing.
[d] She remained in the temple enclosure for at least five days and most of the time in that part of the temple known as Burnett's quarters.
[e] On the sixth day Burnett accompanied her back to the vicinity of the place whence she had been taken.

II. It remains then to accertain from the testimony what answers are to be given to the following questions

I. Does the evidence show beyond a reaconable doubt that Burnett authorized the seizure of the nun by force with the intent carnally to know her, or was in a legal sense responsible for the forcible seizure of her?

2. Does the evidence show beyond a reasonable doubt that Burnett caused her to be detained against her will in his residence for five or six days?

The

The first Question. I do not see how the first of these two questions is to be answered affirmatively, unless Ch Yih's testimony is accepted. No other testimony shows that Burnett directed the seizure or Knew that it was to be made. The allegation that he directed or authorized the Customs' boatmen to accompany Ch Yih, even if proved, does not show that abduction was meditated.

In respect to Ch Yih's testimony two things are to be said.

If the Taotai's report of the examination of Ch Yi by him is the paper referred to as Exhibit F. which Exhibit is not given in its proper place, but seems clearly to be the document filed with the original complaint, and is to be taken as a part of the Record, then it is in evidence that Ch Yih has sworn in a contradictory manner concerning his instructions from Burnett.

On the tenth page of that Report the Taotai says.

"Wang ch yi, in his first

statement

statement said there was a go between to negotiate the matter, that there was a price to be paid, and that the transaction was not at all one of taking by force".

At the same examination he afterwards swore he was directed to take the nun by force, and at the trial before Consul Lord he said the same.

It might fairly be argued that his first statement is more likely to be true than that which he made when he saw that it might be better for him to make the second. At all events the value of his testimony is destroyed by his contradiction of himself.

But, secondly, it is clear that Ah Yi is so far an interested witness that his testimony against Burnett cannot be taken, except in so far as it is supported by other evidence, oral or circumstantial.

It is certainly unfortunate that he had been punished so severly before this trial. He had received 300 blows at one examination and 50 at another;

had

had been in prison months, most of the time in irons, and his daughter had been sold. Still it is not necessary to inquire now whether his testimony was affected by this.

But here is the important and decisive fact. The District Magistrate stated in open Court that under Chinese law if Ah Yi were convicted of abduction, he would be subject to the punishment of death by strangulation, but if he could show that the act was done under compulsion, the penalty could be modified to banishment. Can it be doubted that it was in view of this fact that Ah-Yi declared in his testimony "I am dependent on Burnett and this Court for my life."

In no Court of the United States could a man be convicted on the testimony of such a witness. I fail to find any testimony, oral or circumstantial, which sustains it. I find none which shows that Burnett did direct the seizure of the nun; none which in view of notorious facts, renders it at all probable that in order to gratify

his

his passions, a man of his evident intelligence would think it necessary to resort to means so dangerous as abduction.

So far as the bringing of the nun is concerned, the exact thing proved is that Burnett in accordance with a custom, shameful indeed, but, so far as I know, not punishable by the laws of the United States, a custom unhappily far too common among foreigners in China, engaged the services of Ah Yih as a "go between" in soliciting a woman to come to his house to cohabit with him.

To hold him criminally responsible for the seizure of the nun by Ah Yi, when it is not proved that he even suspected the violent procedure seems to me pushing to an unwarrantable length or altogether misapplying the principle of punishing a man for the unanticipated results of criminal action.

I must therefore conclude that Burnett is not proved guilty of abduction by reason of the seizure of the nun.

The

The second question. This question, namely, did Burnett detain the nun against her will in his residence five or six days, is not so easily answered as the other.

That the nun remained there for that time is admitted by the accused.

What facts about her detention are brought out by the testimony?

I. I think the testimony of the woman who attended the nun and that of Burnett's cook, in the absence of any clear contradictory testimony, must be taken as sufficient proof that the nun was not locked into her room or into the temple or into the compound. She had the physical power to walk out into the court, as indeed she did, or out of the temple inclosure. Burnett was absent hours at a time. None of the servants had any instruction to prevent her going away. Certainly it is not proved that she was kept by physical constraint.

The only testimony directly

(involving

involving Burnett in an attempt to hinder her from going, if she wished, is her declaration that he once told her it was dangerous to go outside as she might be snatched up and put on a steamer. But the value of this isolated statement as testimony is much weakened, if not destroyed, by the contradiction and confusion which mark other statements of hers concerning Burnett. For instance (p. 50) she testifies that on the first day of the new year, Burnett did not come to see her, and again (same page) that on that day he was continually going in and out of her room. On her examination before the Taotai she said nothing of having been violated by Burnett. On this trial she swore he had violated her. Her attempt at explanation of this discrepancy is very unsatisfactory and confused (p.p. 53.-4)

In view of all the circumstances it could not be held, I think, as proved beyond reasonable doubt that she was detained by Burnett in any such sense

(as

as to make him feloniously guilty, even though he had made no efforts to return her to the nunnery.

2. But these facts about her return seem to me to be established.

[a] On the next day after the nun's arrival, Burnett ordered Yang to send a messenger to the old nun at Ming An, to ask her to come and take the young nun away. This message was delivered. The old nun says she received it.

[b] As she refused to come, Burnett ordered Yang on the second day to send another messenger to reiterate the message. The old nun says she did not receive this message.

[c] Burnett did however decline to have the elders of the village come to take the young nun away.

[d] On the third day Burnett went and met the old nun and asked her to come and take home the girl. There is indeed a difference between Burnett's statement and the old nun's as to whether he offered her money. But

(she

she states explicitely on cross examination that Burnett did say he would give up the nun, if she would come to the island.

[e] On the fourth day Yang was sent to a military mandarin by Burnett to ask that official to get the nun home. Not finding him on that day, he went again on the fifth day for the purpose, though the errand proved in vain.

[f] Finally Burnett took the nun into a boat and accompanied her to a place near the nunnery, whence she went to the house of some friend.

These facts appear to conceal Lord to show necessarily and conclusively that Burnett was all the while simply pretending to secure the nun's return, while he was really detaining her in the hope that she would at last yield to his desires and willingly remain with him.

Possibly such is the explanation of Burnett's conduct. I cannot say that it is an improbable explanation. But after careful

careful reflection I cannot say that this explanation is free from reasonable doubt, that the facts are explicable only on this hypothesis. They square with a hypothesis like the following.

Burnett saw that he was involved in a troublesome affair. He might well reason that, though not guilty of abduction, he could be subjected to many annoyances on account of this disgraceful event, annoyances which might even peril his official position. If he could induce the old nun in person to come and take the young nun back, he might hope that the matter would be dropped. Even if he offered the old nun money, as she testifies, it might be for the purpose of inducing her to make no unnecessary scandal about the affair. He might well prefer to settle the whole matter with her rather than with the elders of the village, who might subject him to a heavier "squeeze" for silence.

That the doors and gates of the temple were not locked or fastened in

any

any way to prevent egress, that nobody was instructed to prevent the nun's egress, that Burnett did make four different efforts on successive days to get the nun restored to the nunnery, that the old nun was assured by Burnett's messenger twice if not thrice, that the young nun would be given to her if she would come to the island, these facts, it may fairly be argued, do not seem more compatible with the theory that Burnett was trying to detain the girl, than with the theory that he was really desirous of returning her.

I am constrained to say that the facts established do not prove to my mind beyond a reasonable doubt that Burnett is guilty of the crime of detaining the nun against her will whether by actual or constructive force. So long as there is a reasonable doubt of this, he can claim the benefit of that doubt.

I am therefore obliged to differ from Mr. Consul Lord and to find the accused not guilty of abduction as charged

charged.

The judgment of the United States Consular Court for the District of Ningpo is hereby set aside. The accused will be released from his bail. The cost of the suit will be taxed to the United States.

In view of this finding it is unnecessary to consider certain points of legal procedure raised by the accused in exception to the rulings of the Consular Court. The Counsel for the accused asks that the list of Associates for the Consular Courts of China on file in this office be made a part of the Record of this case in order to show that a jury trial is practicable. Reference is hereby made to that List to be considered a part of this Record.

(signed) James B. Angell,
Envoy Extraordinary and Minister Plenipotentiary, acting judicially.

L. S.

Peking, December 21st, 1880.

No. 2866.

made

No 159.

One Enclosure.

Legation of the United States,
Peking, May 21st, 1881.

DEPARTMENT OF STATE
JUL 5 1881
RECEIVED

James B. Angell
to
the Secretary of State.

Subject.

The Mooring Bar.

PRINTED
FOREIGN RELATIONS
1881

Synopsis.

Forwards copy of a letter addressed to the Tsung li yamen by Sir Thomas Wade as describing the latest step in the negotiations.

No 159. One Enclosure.

Legation of the United States.
Peking, May 21st 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

In my No 142. I described the state of the negotiations between the Diplomatic Body and the Tsung-li-Yamen concerning the propositions for dredging the Woosung Bar below Shanghai. In the enclosures was an absurd paper from the Foreign office, setting forth imaginary evils to flow from the deepening of the river. Sir Thomas Wade, Chairman of the Committee on the subject was requested by his Colleagues

(to

to reply to that paper. This he did
in a communication, a copy of which 1/159.
I enclose. I have delayed forwarding
this in the hope that the negotiations
might be advanced a stage before
I should report upon them. But I
see no signs of any further movement
at present by the Chinese authorities,
and so to complete the record I send
you the paper of the British Minister.

It is very trying that the
commerce of the world should be
subjected to such delays and
expense, when all that is asked
of the Chinese Government is
permission to improve the navigation
without any charge to them. The
real cause of their hesitation is
doubtless fear of foreign iron-clads
in case of war.

I

I have the honor to be,

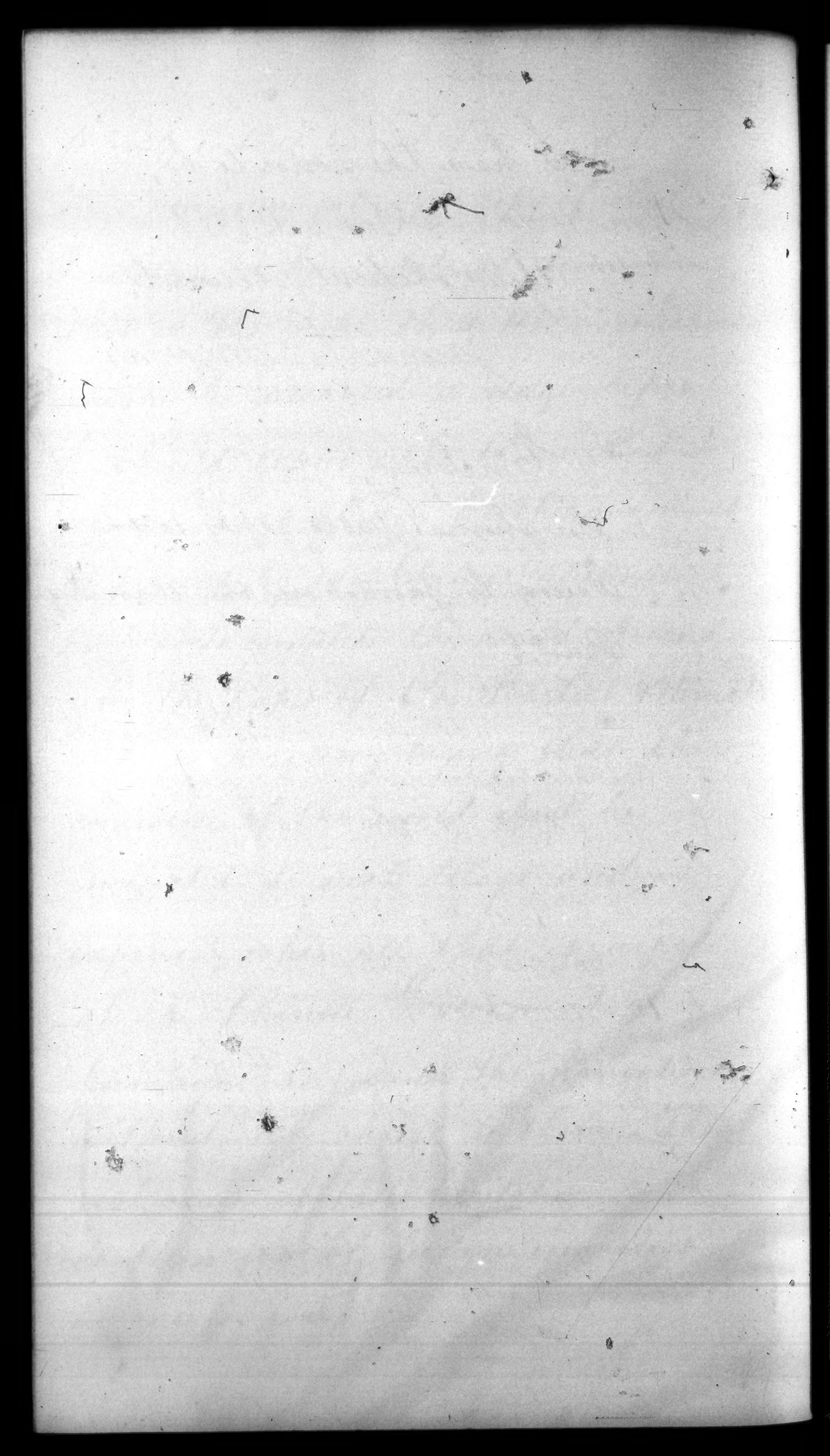
Sir,

Your obedient servant,

James R. Bagell.

Enclosure,

1. Sir Thomas Wade's reply to the Tsung-li-Yamên on the Woosung Bar.



Semi Official note to Prince and Ministers of the Tsung li Yamen.

December 5th, 1881.

Sir Thomas Wade presents his compliments to the Tsung li Yamen.

Sir Thomas Wade has communicated to his Colleagues the Representatives of the Treaty Powers in Peking the substance of the observations made by the Ministers of the Yamen upon the memorandum of the 5th October regarding the Woosung Bar, to which their attention had been invited by Sir Thomas Wade when he was at the Yamen on the 13th November.

These observations were in general to the effect that the question is a local question, and if admitting of solution at all, must be solved by the local Government. It was one on which the Tsung li Yamen could not undertake to issue peremptory instructions. After much discussion the Ministers

requested

requested that they might be supplied, before going farther, with a statement of the objections taken to the arguments of the local authorities as set forth in their memorandum of the 5th October.

It will be remembered that when in 1874 the Chinese Government was invited to undertake the removal of the Woosung Bar, the chief objection raised was that the Bar was, in a military sense, the natural protection of the mouth of the River. This position at least appears to have been abandoned. On the 25th October Admiral Coote had an interview at Nanking with the Governor General Liu, in which he took occasion to urge His Excellency Liu very seriously to consider the abatement of the evil so long complained of. The Admiral's own ship had been detained at Woosung five days. But it was principally in the interest of commerce, native and foreign, that he now drew attention to it. The Admiral had understood that the Chinese General

had

had been led to suppose that the Bar might prevent the ingress of foreign men-of-war in the event of a rupture with a foreign power, but, were the way open, the Chinese Government, in such a case, would easily block it by torpedoes or sunken vessels.

The Governor General Liu hastened to assure him that none but stupid people who knew nothing about the matter could use such arguments as these. He, the Governor General well knew that the entrance could easily be stopped by artificial means. The principal objections urged against the dredging operations proposed, His Excellency understood, were two: firstly, that if the channel were deepened and widened, larger waves would roll in, and that this would make the water rougher inside, to the inconvenience of small craft; secondly, that there would be a greater influx of salt water and that this would render the River unfit for irrigation of the fields on its banks. The Governor General added that he could not of himself answer for the validity

of

of these objections. We merely mentioned them as having been made.

The same objections appear in much the same words in the report of the Taotai of Shanghai embodied in the Yamen's memorandum of the 5th. October, and it is difficult to suppose that the official who framed such a report can have resided at Shanghai or can have ever had an opportunity of observing the action of the tide in any river elsewhere. The tide of the Great River Yangtze is often felt at more than 250 miles above its mouth. The current is far more rapid than the current of the Woosung River and the waves rise high as out at sea. Yet the banks are lined with small craft, no larger than those seen inside the Woosung Bar, and it has never been stated that the waters of the Yangtze, which frequently flood the land, were injurious to irrigation. The water brought up by the Woosung River to Shanghai in the highest tides before the embankments were built used frequently to rise into the very gardens

(and

and courtyards of foreign houses, but it is a more salt-water than the water of the Great River of which it is but a small affluent, and during the thirty odd years that the settlement has existed, no one has ever heard that irrigation has suffered from the influx of the River water. The deepening of the channel across the bar by a few feet will not cause the tides to rise higher than formerly.

On the other hand the deepening of the channel will be of immense benefit to steamers, and the advantage obtained by these is not as the Taotai's report contends, exclusively of importance to the owners of these steamers, or even to foreign trade. The cargoes borne by the steamers are not the property of persons or companies who run them. The larger the steamer, the greater the advantage to the trading community, for the larger the vessel, the lower freights can it afford to charge. Every one engaged in business, native or foreigner, is benefited by

facilitation

facilitation of the ingress and egress of these vessels, which are now, when entering the port or leaving it, detained at the mouth of the River by an obstacle the removal of which can inflict no injury whatever on the Chinese Government and people; which in most other countries the Government would think it an obligation to remove, but which in this instance the trading community interested is prepared to effect the removal of without any expense whatever to the Government of the country.

In conclusion, the proposal submitted to the Chinese Government is one the adoption of which will incontestably advantage both native and foreign trades. It can inflict no possible injury upon either the Government or the people of China, and the Representatives of Treaty Powers do hope that the Governor General Liew, if the decision rests with him, will be made to see that the objections made by his subordinates are groundless.

As regards the reduction to practice

of

of the scheme proposed by the Shanghai Chamber of Commerce, the association of the Commissioner of Customs with the Committee or Board of Directors will in itself be an ample guarantee for the due protection of any interest of the Chinese Government affected by the arrangement in contemplation,

File

made

No 160.

Legation of the United States,
Peking, May 21st, 1881.

James B. Angell to
the Secretary of State,

Subject

Announcement of the ratification of the Treaties.

Synopsis.

Acknowledges receipt of the telegram announcing the ratification of the treaties and reports an interview with the Tsung li Yamên on the subject.

No. 160.

Legation of the United States.
Peking, May 21st, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

On the afternoon of Saturday, May 14th, I received from you a telegram, of which the following is a copy.

"Washington, 6/5. 1881. 6 h. 55 m. p. m.
Angell, Minister.
Peking, Post Shanghai.

Inform Chinese Government treaties ratified almost unanimously ratifications promptly sent.

Blaine."

I at once communicated the news to Prince Kung and asked for an interview with the Tsung li Yamen (on

on Monday the 16th instant.

At that time I waited on them and asked them to memorialize the Emperor to ratify the treaties. They appeared gratified at the news of the ratification by our Government and assured me that as soon as our ratifications arrived they would at once memorialize the Throne. I said that I supposed they would secure the ratifications now so that we could at once exchange the certificates of ratification when our copies arrived from America. They preferred to follow their usual custom, and assured me there should not be the least delay after the copies from America had reached here. I have the fullest confidence in their assurance.

All

All the members of the Foreign office but two were present. Pao, one of the Commissioners, was detained by illness and Wang by business.

I have the honor to be,

Sir,

Your obedient servant,

James B. Angell

Mr. Adee
Col. Morgan
Take out approval
of these Expenditures
WB

Made

No. 161.

One Enclosure.

Legation of the United States
Peking, May 21st, 1881.

James B. Angell to
the Secretary of State.

Subject.

Incidental and Telegraphic Expenses of the Commission Plenipotentiary.

Synopsis.

Forwards a duplicate statement of the above account.

No. 161. One Enclosure.

Legation of the United States.
Peking, May 21st, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

Referring to my despatch No. 146. of April 28th last, I now have the honor to forward a duplicate statement of the Account for Incidental and Telegraphic Expenses of the Commission Plenipotentiary which it contained.

I have the honor to be,
Sir,
Your obedient servant.
James R. Rydl.

Enclosure,

1. Duplicate statement of Account for Incidental and Telegraphic Expenses.

No. 162. To Agriculture Dept for its information - typed

Ack - July 19. 1881 Mr. Crittenden

Wrote Dept of July 15. 83

Made

Inclosures. Sa from Agr. Dept.

Legation of the United States.

Peking, May 21st, 1881.

DEPARTMENT OF STATE
JUL 5 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Presentation of Cotton seed to the Viceroy Li-Hung-Chang

Synopsis.

Forwards copy of letter presenting Cotton seed from America to the Viceroy Li Hung Chang and the latter's acknowledgment of the gift.

No. 162. Two Enclosures.

Legation of the United States.

Peking, May 21st, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

In the Department's despatch No. 75, it was announced that two bags of cotton seed had been sent to this Legation for presentation to the Viceroy Li Hung Chang, in accordance with a suggestion made in my No. 63 of December 3rd 1880.

The seed was received in due time and I sent it to the Viceroy with a note, a copy of which I enclose, 1/162.

I have received from him a note in acknowledgment of the gift, and I enclose a copy of that. 2/162

In

In suggesting to him the cultivation of some of our fruits I had in mind apples, pears and strawberries and raspberries. It is too late to do anything with them this year. Some of the American missionaries have brought in apple trees from Oregon to Chefoo, Tientsin and Tung Chow (near Peking) which give good promise. Apples are raised here but they are far inferior in flavor to ours. Certain varieties of pears flourish here in Peking, but we have much better varieties.

I have the honor to be, Sir,
Your obedient servant.

James R. Angell

Enclosures.

1. Mr. Angell to the Viceroy Li Hung Chang,
2. The Viceroy Li Hung Chang to Mr. Angell,

Mr. Angell to Li Hung Chang.

May 4th, 1881.

In the interview which I had the honor of having with you in September last you expressed a desire to have some American cotton seed to plant here in Chihli.

Accordingly I communicated to my Government your desire and the Secretary of State has now sent you two bags of seed, which the Agricultural Department has furnished for the purpose. I take great pleasure in placing it in your hands. It is the seed of a kind of cotton which I hope will prove adapted to the soil and climate of this province. It should be planted immediately.

As I have noticed that some of the American Missionaries are succeeding in raising certain American fruits which are either unknown here or are of better quality than the Chinese, it has often suggested itself to my mind whether it would not be well worth your while to

devote

devote a farm to some experiments in raising such fruits and grains as you may desire to add to the supply China now has and especially to rearing some better breeds of cattle. If such an attempt were made on a moderate scale at first, it need not be costly. Pardon me for making the suggestion, which probably has occurred to you, who are always considering with so much care and intelligence what can benefit your country.

I am. &c.

(signed) James B. Angell,

The writer has had the honor to receive Your Excellency's letter. He has also received the two bags of cotton seed which you kindly sent and for which he is extremely grateful. Cotton is one of the most useful articles of our daily wants. The cotton tree of your honorable country grows to a great height and bears a large pod, and, if planted with proper knowledge of the way, can doubtless be made to thrive in other lands. The seed (which you sent) has been forwarded to the officers of the various districts in this region with instructions immediately to call upon the agricultural people to avail themselves of the season and sow the seed and thus show their appreciation of the generous motives of the Agricultural Department of your honorable country — to whom the writer hopes Your Excellency will convey his sincere thanks.

As to Your Excellency's suggestion whether it would not be worth while for the writer to make some experiments —

with

with such fruits and grains as are unknown here or are of a better quality than the Chinese, that the experiment if conducted on a moderate scale will not be costly; he begs to say that if Your Excellency will be good enough to procure 2 or 3 kinds that are simple and at the same time useful and will send them to him with a bill of the cost, he will be very glad to make the experiment and if it succeeds he will take measures to push it onwards.

With compliments of the season

(signed) Li Hung Chang.

Tientsin May 17th, 1881.

Made

No. 163.

One Enclosure.

Legation of the United States.

Peking, May 21st, 1881.

James B. Angell to
the Secretary of State,

Subject.

Thanks of the United States Government to Fu Shun.

Synopsis.

Forwards copy of a communication to Prince Kung conveying the thanks of the United States Government to Fu Shun.

№ 163. One Enclosure.

Legation of the United Sta
Peking, May 21st, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I have the honor to enclose
1/163. a copy of the communication which
I sent to Prince Kung in compliance
with the instructions in your № 76,
requesting me to ask the Chinese
Government to express the thanks
of the United States Government
to the native Fu Shun, who befriended
the officers and crew of the "James
Bailey" on the island of Hainan.

I have the honor to be, Sir,
Your obedient servant.

James B. Angell

Enclosure: Mr. Angell to Prince Kung.

Mr. Angell to Prince Kung.
32/1881 May 17th, 1881.

It may be known to Your Imperial Highness that on the 17th of October last an American vessel, named the "James Bailey" was wrecked in a storm on the coast of Hainan. Some of the natives at once set about pillaging the vessel and tried to prevent the officers and crew from going across the island to Kiung Chow.

But fortunately one Chinaman, named Fu Shun, interposed in behalf of the foreigners and kindly escorted them to Kiung Chow, probably not without some peril to himself. The shipwrecked men most gratefully acknowledged his services.

And now I am specially instructed by my Government to direct your attention to the praiseworthy conduct of this brave man Fu Shun, and to ask you to convey to him the thanks of the United States

(Government

Government for the valuable services he rendered.

I am &c,

(signed) James B. Angell,

No 164.

DEPARTMENT OF STATE
JUL 5 1881
RECEIVED

Legation of the United States.
Peking, May 21st, 1881.

James B. Angell
to
the Secretary of State.

Subject

Acknowledging Receipt of paper.

Synopsis.

Despatches to the Department will be written on unruled paper a box of which has been received at the Legation.

No. 164.

Legation of the United States.
Peking, May 21st, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

Referring to your No. 77, I beg leave to say that in accordance with your request our despatches will hereafter be written on the unruled paper which you designate. A box of such paper sent by the Department reached this Legation on the 18th instant.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

No

Legation of the United States,

Peking, May 24 1881

Official

Hon. James G. Blaine

Sec'y of State

Ans'd. May 22nd for Supt. in Europe July 14. 81. acop

Dear Sir:-

I desire to ask a question which is of vastly important enough to place upon the records. I venture to send you with this personal note.

When I leave here, I wish to return via

Europe. I want to know whether the sixty days' remuneration to which I shall be entitled for allowance on the homeward journey can be drawn by me in Europe, or whether it can be drawn only on my arrival at Calcutta. This is important for me to

know in order to complete my financial arrangements. I suppose I can draw in Europe, but would rather hear from you on the point. May I request you to send me an answer by return mail?

Our latest dates by mail from you at this writing are

of about the middle of March. Permit me to congratulate you and the Administration on its auspicious inauguration.

I have my respectfully
James B. Angell,

DEPARTMENT OF STATE
JUL 5 1881
RECEIVED

One copy to Treasury July 6. 1881 Mr. Carter Library

Sent with Treasury July 6. 1881 Mr. Carter

No 165. made

One Enclosure.

Legation of the United States.
Peking, May 28th, 1881.

James B. Angell to the Secretary of State.

Subject.

Customs Documents.

Synopsis.

Forwards two copies of a publication on silk issued by the Imperial Maritime Customs.

No. 165. One Enclosure.

Legation of the United States.
Peking, May 23rd, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I am forwarding to you by this mail two copies of a publication on silk issued by the Chinese Imperial Maritime Customs and containing some very elaborate reports by the Commissioners of Customs on the important industry of sericulture in the various provinces of China.

I have the honor to be, Sir,
Your obedient servant.
James B. Angell.

Enclosure,
2 Copies of a Customs publication on silk.

No. 166.

DEPARTMENT OF STATE
JUL 18 1881
RECEIVED

Legation of the United States,
Peking, May 30th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Receipt of despatches etc.

Synopsis.

Acknowledges the receipt of despatches numbered 81. 82. and 83. and volume "Papers relating to the Foreign Relations of the United States ec."

No. 117.

Treasury of the United States,

Treasury Office, 31st July 1797.

Sir,

I have the honor to be

respectfully, your

obedient servant

Oliver Wolcott Jr.

Secretary of State.

No. 166.

Legation of the United States.
Peking, May 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your despatches, numbered 81, 82, and 83. I have not received No. 80. I suppose it may have been sent to Mr. Longstreet when a despatch for him was sent to me.

I have also received the volume (unbound) forming Ex. Doc. I. Part I. 46th Congress, 3rd Session "Papers relating to the Foreign Relations of the United States, &c"—

I

I have the honor to be,

Sir,

Your obedient servant,

James R. Angell.

No. 167.

DEPARTMENT OF STATE
JUL 18 1881
RECEIVED

Legation of the United States.
Peking, May 30th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Mr. Fisher's Commission as Vice Consul.

Synopsis.

Announcing forwarding of certificate to Mr. Vice Consul Fisher and (previously) of his exequatur

No. 167.

Legation of the United States.
Peking, May 30, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I have this day forwarded to Mr. Vice Consul Fisher the certificate of his appointment, enclosed in your No. 81, As announced in my No. 118. the exequatur of Mr. Fisher was obtained when the death of Mr. Consul Mangum rendered it necessary for him to take charge of the Consulate.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Made

No. 168.

One Enclosure.

Legation of the United States.

Peking, May 30th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Thanks of United States Government to Fu-Shun.

Synopsis.

Forwards Prince Kung's reply concerning thanks to Fu Shun.

No. 168. One Enclosure.

Legation of the United States.
Peking, May 30th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

I have the honor to enclose
168. to you Prince Kung's reply to the
communication in which, according
to your instructions, I requested him
to convey the thanks of our "
Government to Fu Shun, the "
Chinaman, who assisted the
officers and crew of the wrecked
ship "James Bailey."

I have the honor to be, Sir,
Your obedient servant.
James B. Angell

Enclosure.

Prince Kung to Mr. Angell—
No. 34. May 24, 1881.

Despatch № 168.
Inclosure 1.

34/1881. Peking May 24th, 1881.

Prince Kung, Chief Secretary of State for foreign affairs herewith makes a communication.

I have had the honor to receive Your Excellency's communication of date the 17th May in regard to the wreck of the American vessel "James Bailey" on the island of Hainan. Your Excellency states that fortunately one Chinaman, named Fu-Shun, befriended the shipwrecked foreigners and kindly escorted them to Kiung Chow. And that you had been specially instructed by your Government to direct my attention to the praiseworthy conduct of this brave man Fu Shun and to ask me to convey to him the thanks of the United States Government, etc.

In this connection I had received some time since from the Governor General of the Two Kwang a report setting forth that the American vessel named "Chan Pei-le" ("James Bailey") was wrecked on the 17th of October last in a storm on the coast

of

of Hainan and stranded at a place within the Wen Chang district. The Captain and crew took boats to convey their baggage and other things and came on shore, but the natives did not dare allow them to remain because they could not understand their speech. At this juncture a man of the said district named Fu Shun (符順) came forward and lent the captain some money, helped him to hire coolies to carry his things, and escorted them to the sea port (Kiung chow?).

The "James Bailey" mentioned in Your Excellency's despatch is doubtless the "Chan Pei-lê" ("James Bailey") differently translated, and the name 福順 Fu Shun is doubtless meant for 符順 Fu Shun.

This office has already requested the Governor General of the Two Kwang to instruct the local officer of the district in question to convey to Fu Shun the Kind thanks of your Government, in addition to which I send this despatch for Your Excellency's information.

His Excellency

James B. Angell.

For the Secretary

Made

No 169.

Legation of the United States.
Peking, June 6th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Mr. Shishido's communication.

Synopsis.

Describing the circumstances under which Mr. Shishido's communication was made.

No. 169.

Legation of the United States.
Peking, June 6th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

I have read with care and appreciation the suggestions which you make in your No. 82. concerning my confidential communication, No. 113. and its enclosure, a paper from Mr. Shishido.

You may be assured that I shall not be wanting in caution to avoid the least departure from our absolute neutrality between China and Japan or the slightest act which could in any way curtail our influence with them, if our

(services

services should ever be desired or needed in preserving amicable relations between them.

I think that perhaps it is due to Mr. Shishido to say that he did not once intimate that he expected or desired that I should report his conversation or forward his paper to the Government. Probably from a feeling of confidence in the United States, Mr. Shishido not unfrequently spoke to me with much frankness concerning Japanese affairs, and the present Secretary, who has been in charge since Mr. Shishido's departure, has done the same. I suppose that it was in such a spirit and with informality that Mr. Shishido desired to express to me his views on the action of the Chinese and upon the steps he had decided to take. The difficulty of expressing himself with exactness and fulness through his Interpreter,

(whose

whose knowledge of any Western tongue is very limited, probably led him to leave with me in writing what he also attempted to communicate orally. I thought it proper to report his statements confidentially to the Department, not as the ground for action, but simply as information, which might be interesting and possibly valuable. The entire responsibility for that belongs to me.

In respect to Mr. Shichido's reference to General Grant, I might well have said in my despatch what frequent conversations with him have given me abundant reason for believing, that he did not in the least misapprehend the exact relation of General Grant's words to the opinions of the United States Government. I

can

am confident that he was in no danger of falling into error on that point. I think the same thing is true of his Government.

I have the honor to be,
Sir,
Your obedient servant.

James R. Shepherd

File

No. 170.

Legation of the United States,
Peking, June 7th, 1881.

James B. Angell to the Secretary of State.

Subject

Customs Documents.

Synopsis.

Forwards "Customs Gazette" and "Customs Returns of Trade." (In Encr. Stat)

Noted in B. of S

No. 170.

Legation of the United States.
Peking, June 7th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I send herewith two copies of the Customs Gazette, January—March, 1881. and two copies of Customs Returns of Trade at the Treaty ports for 1881.

I have the honor to be,
Sir,
Your obedient servant.

James R. Angell

No. 170. bis

Legation of the United States,
Peking, June 11th, 1881.

James B. Angell
to
the Secretary of State.

Subject.

The Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches Nos 84, 85. 86. 87. 88. 89. 90. and 91.

No. 170.

Legation of the United State.
Peking, June 11th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:

I have the honor to acknowledge the receipt of your despatches numbered 84. 85. 86. 87. 88. 89. 90. and 91.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell.

Confidential

No. 171.

File

See letter to Messrs Carpenter & Co. Shanghai March 3. 1881. Mr. Cridler

File see Report of Consular Court 18th 1881 Chefoo

One Enclosure.

Legation of the United States.

Peking, June 11th, 1881.

James B. Angell to the Secretary of State.

Subject

The new Russo-Chinese Treaty.

Synopsis

Forwards a translation from the Chinese text of the new Treaty between China and Russia.

Confidential

No 171. One Inclosure.

Legation of the United States
Peking, June 11th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

There has come into my possession (not through the Russian Legation) a Chinese copy of the new treaty between Russia and China. I enclose you a translation. The treaty has just been ratified by the Emperor of China and ratifications will be exchanged at St. Petersburgh.

The main Treaty consists of twenty Articles. There follows a special Article providing for the manner of paying the indemnity by China to Russia. Finally there

(are

are articles modifying previous
treaties and chiefly regulating the
overland trade of Russia with
China.

The most important features
of the treaty are the provisions for
settling the great controversy
concerning the Province of Ili, which
so nearly involved the two nations
in war last year. Nearly the whole
Province, which has been held
for several years by the Russians,
is restored to China. On the other
hand China is to pay Nine million
roubles, over seven million dollars,
to Russia. The inhabitants in Ili
may choose whether to settle on
the Russian or on the Chinese side
of the line.

The Articles concerning

overland

overland trade show a disposition on the part of China to increase the facilities for Russians both in regard to the transit of goods and to the sale of goods in the North-western part of the Chinese territory.

It is of interest to us to notice that among the contraband articles, in which Russia and China are not to trade, is opium.

Upon the whole the treaty is a much more favorable one to China than a few months ago it was supposed she could secure.

I have the honor to be,

Sir,

Your obedient servant.

James B. Bright

Inclosure

Inclosure.

1. Translation of the new Treaty between China and Russia.

The Revised Russian Treaty of 1881.

H. I. M. the Emperor of China and H. I. M. the Emperor of Russia, being desirous, in the interest of both powers, that certain questions relating to the delimitation of the Frontier and the conduct of trade between the two countries should be satisfactorily concluded and amicable relations be thereby confirmed, have named as their Plenipotentiaries, that is to say H. I. M. The Emperor of China, the Marquis Tseng, Director of the Grand Court of Revision, and Imperial Envoy to the Court of Russia; and

(H

H. I. M. the Emperor of Russia,
M. de Giers, Privy Councillor,
Minister of State, and Acting
Director of the Ministry of Foreign
Affairs; who after having commu=
-nicated to each other their respective
full powers have agreed upon the
following articles:—

Art. I. — H. I. M. the Emperor
of Russia agrees that the Territory
of Ili, which was occupied on behalf
(of China) by the Russian forces
in the year 1871. shall be restored
to the jurisdiction of the Chinese
Government. The Western portion
of Ili, according to the limits
defined in Art. VII below, shall
remain under the authority of
(the

the Government of Russia.

Art. II. — H. I. M. The Emperor of China agrees to issue a Decree remitting all punishments and confiscations on account of offences committed by the inhabitants of Ili, Mohammedan or other, whether during the period of disturbance or subsequent to the pacification. The Chinese Authorities, before taking over Ili, shall publish proclamations announcing the Imperial amnesty to the population.

Art. III. — The inhabitants of Ili shall be free to elect to remain in the country as Chinese subjects, or to remove to Russian territory and be enrolled as Russians. The option

shall

shall be put to them before the rendition of Ili, and those who elect to remove to Russian territory shall within one year from the date of rendition make removal, carrying their property with them, free from all hindrance on the part of Chinese officials.

Art. IV. — Russian subjects who own land in Ili shall be authorized to retain such property after the Rendition. But such inhabitants of Ili as may at the time of Rendition become enrolled as Russians shall not claim this provision. With the exception of the Settlement Areas conceded under the thirteenth

(Article

Article of the Ili Commercial Convention of 1851., land owned by Russians shall be subject to the same taxation as is paid by Chinese nationals.

Art. V. — The Commissioners appointed by the two Powers respectively to make and to receive rendition of Ili, and to carry out the details of rendition under this Treaty, will meet for that purpose in the city of Ili and successively put into force the arrangements which will be concluded between the Governor General of Shensi and Kansu and the Governor General of Turkestan, who are charged to effect the Rendition. The Governor General of Shensi and Kansu shall, on receipt of a Decree

ratifying

ratifying this Treaty, despatch a qualified officer to proceed to the city of Tashkend and give notice thereof to the Governor General of Turkestan. The details of the rendition shall be completed within three months dating from the arrival of such officer at the City of Tashkend.

VI.

Art. VI. H. I. M. The Emperor of China agrees to pay the Russian Government an indemnity of Nine Million Roubles in consideration of expenditure incurred during the occupation and protection of Ili on behalf (of China) as well as on account of losses previously suffered by Russian merchants from robbery in Chinese territory,

(and

and of outrages committed against Russian nationals. The above sum shall be paid by installments within two years from the date of exchange of ratifications, in the manner prescribed in the Special Article appended to this Treaty.

Art. VII. — The Western portion of Ili shall pertain to the Russian Government, so that persons electing to become Russian subjects and thereby abandoning their landed property may settle therein. The boundary between Chinese Ili and Russian Territory shall run from the Pieh-Chên tao (AIATAO?) Range along the Kuo-Erh-Kuo-ssŭ (Khorgos?) River to the point where that river unites with the river Ili;

thence

thence crossing the river Ili southward to the Wu-teung-tao Range East of the village of Ko-li-cha-ke (Ka-li-djat). South of this point the boundary shall remain as defined in the Tashkend Boundary Convention of 1864.

Art. VIII. — In view of certain objections to the delimitation Eastward of Dzaï Sang Lake as fixed by the Tashkend Convention of 1864, the two Powers shall depute Commissioners jointly to survey and modify this boundary in a manner satisfactory to both parties. They shall further definitely distinguish the Kirghis of the one country from the Kirghis of the other. The manner of determining the boundary question shall

shall be to draw a straight line from Mt. Kiéi Tung across the Black Irtish River to the Saour pass; and to agree upon a new boundary somewhere between this line and the old boundary.

Art. IX. — With reference to the delimitation of the two Countries as laid down in the above Articles VII and VIII of the present Treaty, as well as to such points on the frontier as have not been hitherto marked with boundary stones, the Contracting Powers shall appoint Commissioners to erect boundary stones. The time and place of their meeting will be arranged by the two Powers. The question of the boundary of Russian

Ferghana

Ferghana on the West of Chinese Kashgaria will also be treated by Commissioners deputed by the Contracting Powers, who will survey the localities and erect boundary stones at the limits of the present jurisdiction of the two Powers.

Art. X. — In addition to the establishment under the Old Treaty of Russian Consuls at Kuldja, Tarbagatai, Kashgar and Urga, Russia shall be at liberty to appoint Consuls at the two cities of Sie chou (Chia Yü Kuan) and Turfan. As regards the five cities of Kobdo, Uliasutai, Hami, Urumchi, and Gutchen, the two Powers will consider the appointment of additional Consuls from time to time as trade develops. The Russian Consuls at

(Sic

Su Chow (Chia Yü Kuan) and Turfan are authorized to visit all neighbouring places for the management of matters concerning the interests of Russian subjects. The right conferred by the Fifth and Sixth Articles of the Treaty of 1860 to a concession for the construction of buildings and cemeteries and pasturing of cattle shall equally apply in the case of Chia Yü Kuan and Turfan. Pending the construction of official residences for the Consuls the local authorities shall assist them to engage temporary accommodation. Russian Consuls in Mongolia, Kashgaria and Sungaria may travel and transmit letters by Government postal route in accordance with the system provided for in Art. XI of the Tientsin Treaty and Art. XII. of the

the Peking Treaty; and the Chinese authorities on application from the Consul shall take due measures for their security en route. The establishment of a Consul at Turfan which is not a port, shall not be cited as a precedent for the appointment of Consuls at sea ports or in the interior of Manchuria and the Eighteen Provinces.

Art. XI. In official correspondence Russian Consuls shall treat with the city functionaries or with the higher authorities of the district, according to the importance of the issues involved, or the gravity of the case, or the necessity

necessity for immediate action. In personal interviews they will observe the courtesies in use between officials of friendly nations. Cases of dispute arising from matters of trade between subjects of the two Powers in China shall be decided by the Consul in conjunction with the local authorities. When disputes occur on commercial questions the parties shall be at liberty to choose arbitrators; and if these fail to settle the case it shall be decided conjointly by the officials of the two countries. All documents passing between the subjects of the two Powers in the matter of contracts to purchase or transport merchandise, or to lease or rent shops and houses &c. may

(be

be presented to the Consul or the local official, who shall attest them by seal and signature. Where business transactions fail to comply with the terms of a document, the consul and the local authorities shall take measures to enforce the fulfillment of the contract.

Art. XII. — Russian subjects are permitted to carry on trade in Chinese Mongolia duty free, as heretofore, and in all parts of that country, whether the tribes possess Chiefs or not. For the present, Russian subjects are likewise permitted to trade duty free in Ili, Tarbagatai, Kashgar, Urumchi, and in Kashgaria

(and

and Hungaria. When trade shall have developed the two Powers will negotiate a Tariff and abolish the remission of duties. Where Russian subjects are authorized by the preceding Articles to deal in foreign goods, the trade may be conducted either with money or by barter, and payment by Russian subjects may be made in any kind of goods.

Art. XIII. In places where Russian Consuls are to be established as well as in Kalgan, Russian subjects may build shops and warehouses either on land purchased by themselves, or ceded to them by the local officials under Art. XIII. of

the

the Tarbagatai Commercial Treaty of 1851. The permission to build shops and warehouses at Kalgan, where there is no Consul, is not to be taken as a precedent in the case of other localities and the interior of the (eighteen) provinces.

Art. XIV. — Russian merchants engaged in overland trade from Russia to the interior of China may as heretofore convey goods to Tientsin by the way of Kalgan and Tung Chow, and from Tientsin to other ports or to the interior, They may dispose of their goods at the several places above mentioned. Russian merchants who purchase goods at the above-mentioned ports,

(cities,

cities, or interior places for conveyance to Russia, will take the same line of route, Russian merchants may also proceed to Su Chou (Chia Yü Kuan) to trade, but caravans must stop at the pass: the same privileges will be accorded as in the case of Tientsin.

passage is doubtful.

Art. XV. — Russian subjects engaged in overland trade either in China proper or beyond the passes shall act in conformity with the Supplementary Regulations appended to this Treaty. The Commercial Articles contained in the present treaty and the Overland Trade Regulations hereto appended may be revised at the expiry of ten years from the date of exchange of Ratifications. If

(no

no application for revision shall have been made six months before the expiry of the ten years, the Treaty will remain in force for a further term of ten years. Russian subjects carrying on trade in the open ports of China will comply with the General Regulations observed by all Treaty Powers. If any revision of the General Regulations shall hereafter become requisite, the two Powers will deliberate and decide the matter.

Art XVI. When the Russian overland trade with China develops and it becomes necessary to establish a Tariff more suitable than the existing Tariff for goods entering and leaving China the two Powers (will

will draw up a scale on the basis of a duty of five per cent ad valorem on all imports and exports. But in the meantime the export duty on inferior classes of tea which at present pay the same rate as fine tea, shall be discriminated and reduced. The question of tea duties shall be decided by the Tsung li Yamen in conjunction with the Russian Minister within one year from the exchange of ratifications.

Art. XVII. Different constructions having hitherto been placed upon the ~~tenth~~ Article of the Treaty of 1860, it is hereby declared that "restitution of cattle" shall be understood in the following sense, viz:—

viz:—that whenever cattle have been stolen or driven astray they shall be restored on the apprehension of the offender. But if the cattle in question are not forthcoming the offender shall pay the equivalent value. In case the offender has not the means to make restitution, compensation shall not be required from the local officials. The frontier officials of the two powers will duly punish persons guilty of such robberies in accordance with the law of their respective countries, and will also take measures to recover cattle which have strayed across the frontier or have been stolen. The tracks of the missing cattle, stolen or strayed, may be indicated to the

frontier

frontier guards and local Chiefs.

Art. XVIII. — The stipulation of the Treaty made at Aighoun in the year 1858. authorizing the subjects of the two Powers to navigate the Amur, Soungari, and Ussuri Rivers, and to trade with the population of their banks, is hereby enunciated afresh. The manner in which effect is to be given to this ~~provision~~ shall hereafter be determined by the two Contracting Powers.

Art. XIX. — All Articles in previous Treaties entered into by the Contracting Powers that are not modified by the present treaty shall continue to remain in force.

Art.

Art. XX. — It is agreed that as soon as this Treaty shall have been ratified by the respective Sovereigns of the Contracting Powers, copies thereof shall be circulated in both countries for general information and observance.

Ratifications shall be exchanged at St Petersburg within six months from the date of signature.

The present articles having been agreed to by the respective Plenipotentiaries, duplicate copies thereof have been drawn up in the Chinese, Russian, and French languages, which they have signed and sealed in token of good faith.

The three texts have been compared and found to be correct, but in the event of a discussion arising

as

(as to the interpretation of any clause) the French text shall be considered authoritative.

Special Article appended to the Treaty of 1881.

By Article VI of the Treaty now negotiated by the Plenipotentiaries of China and Russia, it is agreed that China shall pay to Russia the sum of nine million roubles (9.000.000) as indemnity for the expenses incurred in the occupation of Ili by Russian troops on behalf of China, in satisfaction of claims, and payment of compassionate allowances; this sum to be paid

(within

within the space of two years from the date of the exchange of ratifications.

The respective Plenipotentiaries hereby agree that periodical payments of this indemnity shall be made in the following manner:—

The above sum of 9.000.000. roubles, which is equivalent in sterling to £1,431,664_2c shall be distributed over six payments in sterling gold of £238.610; 13c; 8d each. Payments shall be made into the Banking House of the Brothers Baring in London, and the Chinese Government shall not be called upon to bear other expenses of remittance than the cost of the drafts to London. One payment shall be made every four months, the first, — four

months

months after the date of the exchange of ratifications, and the last at the end of two years after the date of the exchange of Ratifications.

It is this special Article should be in conformity with the foregoing provisions of the Treaty, the Plenipotentiaries have affixed their signatures and seals thereto in token of good faith.

Modifications

Modifications of (previous) Treaties between China and Russia agreed to in 1881.

———"———

Art. I. — For a space of one hundred li on either side of the Russo-Chinese frontier the subjects of both nations shall be allowed to engage in trade free of duty.

Each Power shall be free to make its own arrangements for watching this trade in accordance with the restrictions in force upon their respective frontiers.

Art. II. — Russian subjects or traders proceeding to Mongolia, Dzungaria, or Kashgaria for purposes of trade shall only be allowed

(to

to cross the Frontier by those Barriers named in the List appended to the Trade Regulations.

Each trader shall be furnished with a passport in Chinese and Russian issued by the authorities of his own nationality, with a translation of this passport in the Mongolian or Mahommedan character as the case may be. The name and surname of the trader, with the names of his followers, the description of the goods he carries with the number of packages or articles, and animals, may be entered on the Chinese passport in Mongolian or Mahommedan characters. This passport shall be presented for

(inspection

inspection at the nearest Chinese barrier upon the entry of the holder into Chinese territory, and the Barrier official shall affix his stamp to it in token of its having been visèd. The Chinese authorities shall be at liberty to stop any Russian trader or subject who shall cross the frontier without a passport, and to hand him over to the nearest official on the Russian frontier, or to his Consul to be severely dealt with. Any owner of goods who shall lose his passport must report the loss to the nearest Consul, that a fresh passport may be applied for on his behalf. He must at the same time

also

also report the loss to the local authority, who will furnish him with a provisional certificate, with which certificate he shall be at liberty to proceed on his journey.

Goods carried into Mongolia, Sungaria, or Kashgaria, that have not been sold there may be taken on to Tientsin or Su chow (Chia Yü Kuan). They may either be sold at this or barrier or port respectively, or be sent (from thence) into the interior.

The manner in which the goods are to pay duty, be provided with a pass, and allowed to proceed after inspection will be found in the following articles

Art. III. — Russian traders (conveying

conveying goods from Kiachta and Nipchu to Tientsin shall proceed by way of Kalgan, Tʻung-pa, and Tʻung chow; those conveying goods from the Russian frontier by way of Kʻobdo and Kuei hua chéng to Tientsin will also follow the same route.

These traders shall be provided with a pass for their goods issued by the Russian authorities, which shall be stamped by the Chinese authority whose duty it is to attend to this matter. The pass, which shall be drawn up in Chinese and Russian, shall state the name and surname of the trader, the description of goods he carries, and the number of packages and articles. It shall

be

be open to the Chinese official at any Barrier along the line of route to check the number of packages and inspect them (but) with expedition, and he shall allow the goods to proceed after stamping the pass. If any cases are opened or disturbed in the course of the inspection the barrier official shall place a label upon them, and shall record the number of cases so opened or disturbed upon the pass as a means of verification. No inspection shall occupy more than two hours. The pass shall be presented at Tientsin to be cancelled within six months of the date of issue, and if the trader consider that the limit is insufficient

he

he shall give notice beforehand to the authorities at the place (of issue).

In the event of the pass being lost by the trader such loss must be reported to the officer by whom the pass was issued, with its date and number; and the fact that it is a duplicate pass shall be recorded on the new one granted. The trader shall at the same time report his loss at the nearest Barrier, and if his statement is found to agree with the facts, a provisional pass shall be issued to him under which he shall be allowed to proceed with his goods. Should it be found that the amount of goods as reported by the trader is not correct, or should it be discovered that he has

(concealed

concealed any portion with a view
to selling them surreptitiously
en route in order to evade the duty,
he will be fined in the manner
detailed in Art. VIII.

Art. IV. — Russian traders shall
be at liberty to keep back a certain
amount of the goods brought to Kalgan
en route from Russia for sale in that
place, should they think fit to do so.
But in such a case they must report
the fact to the Customs authorities
within five days, and pay the tariff
import duty upon the goods so kept
back, when a permit to sell will
be given them on receipt of which
they may dispose of their goods.

Art. V.

Art. V. — Russian traders conveying goods from Russia to Tientsin by the land route will pay an import duty consisting of two thirds of the import duty laid down in the tariff. Goods brought from Russia to Su Chow (Chia yü Kuan) will pay duty in the same manner as at Tientsin.

Art. VI. — Goods detained for sale at Kalgan which shall already have paid duty there may, if they do not find a market, be conveyed by the trader to Tung Chow or Tientsin for sale, in which case they shall not be called upon to pay another duty, and the extra third of tariff duty paid on them at Kalgan shall be refunded to the Russian trader.

&c

An entry to this effect shall be made on the pass for the goods issued at Kalgan. Goods Kept back (by the trader) at Kalgan which have paid duty there shall, if afterwards conveyed into the interior, pay the transit, or half tariff duty as laid down in the treaties of all nations. The pass issued at Kalgan shall be presented for inspection at all Barriers along the line of route, and goods unaccompanied by a pass shall pay duty or lekin — respectively at every Barrier or station they may pass.

Art. VII. — Goods conveyed from Russia to Su Chou (Chia-yü-Kuan) by Russian traders which they may wish to send into the interior

(shall

shall be dealt with in the manner
that is laid down in Art. IX for
goods conveyed inland from Tientsin.

Art. VIII With the exception of
goods that may be reported as received
(for sale) at Kalgan, any goods
conveyed from Russia by Russian
traders to Tientsin shall, if found
to have been changed en route, or
to be short of the proper quantity,
or not to correspond with the specifications
on the pass, be liable to confiscation;
Should it be found absolutely
necessary, however, to repack any
bales or boxes en route by reason
of damage or injury, the merchant
shall report the fact at the
nearest Barrier he may reach,

(and

and if the goods are found to correspond (with the number specified) an entry to this effect shall be made on the pass, and he shall be exempt from a penalty. But if any goods are surreptitiously sold en route the whole shall be confiscated upon discovery of the fact. If the irregularity is confined to the adoption of bye roads other than those specified in Art. III, with a view to avoiding inspection at Barriers along the route, the penalty shall be a fine of one tariff duty. If the carters or porters shall infringe any of the above rules without the knowledge of the owner of the goods, the Barrier official to whose notice the irregularity is brought shall

(inflict

inflict such penalties as he may deem necessary after a careful investigation of the facts. This action, however, applies solely to places along the line of the Russian overland trade route, and shall not afford a precedent in cases of the kind that may occur at a sea port or in the interior of China Proper.

In cases in which the penalty of confiscation is enforced, the Russian trader shall be at liberty, should he so wish, to pay the cost of the goods confiscated, on a valuation.

Art. IX. — Goods conveyed by Russian traders (overland) from Russia to Tientsin, shall, if sent by sea from Tientsin to a treaty port, pay into the Tientsin

Customs

Customs the 3rd of the tariff duty from which the goods had previously been exempted, but they shall pay no farther duty on arrival at the port of destination. If they are sent inland from Tientsin or any other port, they will pay the Transit or half-duty prescribed in the Treaties of all Powers alike.

Art. X. — Russian merchants exporting to Russia native produce purchased at Tientsin must follow the route (via Kalgan &c) indicated in Art. III. Russian merchants exporting goods will pay the regular export duty. If they buy native produce at Tientsin that has been re-imported there, or if they buy native produce at some other port and proceed

(home

home via Tientsin, they will, on production of a certificate that the goods in question have already paid the full duty elsewhere, be exempted from further payment. If the merchant has paid the full duty and exports his goods to Russia within a year from the date of such payment, the half reimport duty that he has paid at Tientsin will be refunded to him. A Russian merchant conveying goods to Russia will have furnished him by his Consul a pass in Russian and Chinese setting forth his name and a description of his goods with the number of articles or packages. The Customs' seal will be affixed to this document; it must be kept with the goods in order that they may be conveniently compared with it

it on arrival at the different barriers, and allowed to proceed. All questions affecting the loss of passes or the period within which passes must be surrendered will be settled according to the provisions of Art. III. The merchant must follow the route laid down in Art. III, and will not be allowed to sell any of his goods on the way. If he infringe this regulation he will be punished as provided by Art. VIII. Inspection of the goods at the different barriers must be conducted in conformity with the provisions of Art. III. Duties and dues levied on native produce that Russian merchants may purchase at Ku Chou (otherwise Chia yü Kuan) and export thence, or on goods purchased at other inland places and exported

(leg

by way of Su Chow, will in all cases be the same as those levied on goods exported from Tientsin.

Art. XI. — Native produce purchased by Russians at T'ung Chow and exported to Russia overland must pay the regular export duty prescribed by the Tariff. Native produce purchased by Russian merchants at Kalgan and exported to Russia will pay transit or half tariff duty at Kalgan. Native produce purchased by Russian merchants in the interior and conveyed home via T'ung chow and Kalgan will come under the General Regulations affecting produce purchased inland by the nationals of any treaty power, and will pay an extra half duty. The duty will be paid at the proper

(barrier

barrier and a transit pass will be issued. When goods for export are purchased at Tung Chow, notice will be given at the Tung p'a District Office where the duty will be paid and passes issued. That these goods are not to be sold en route must be distinctly stated on the pass. All arrangements affecting the issue of passes for goods exported from any of the above mentioned places, the examination of such goods and so forth, must conform to the provisions of Art. III.

ARt. XII. Russian merchants who may purchase foreign commodities at Tientsin Tung Chow, Kalgan or Chia yü Kuan and convey them overland to Russia, will, on production of a certificate that the goods have already paid the whole and the half

(duty,

duty, be exempt from further payment. If the whole duty only has been paid, the merchant will make good the half duty at the barrier as stipulated by the tariff regulations.

Art. XIII. — Russian merchants importing or exporting goods will pay the duties fixed by the various foreign tariffs and the supplementary Russian tariff 1863. If these instruments do not mention the commodity, it will be an ad valorem duty of 5 per cent.

Art. XIV. — Goods imported or exported duty free such as gold and silver, foreign silver coins, flour, rice, confectionery, preserved meats and vegetables, milk, cheese, butter, sweetmeats,

foreign

foreign clothes, foreign gold and silver ornaments, plated goods, scents, soap, soda, charcoal, firewood, foreign candles, foreign tobacco and cigars, foreign wines, miscellaneous household articles and ship's stores, baggage, pens, ink, and paper, carpets, knives, and cutlery, foreign medicines for personal use, and glassware, shall all when imported or exported overland be free of duty; but the (Tariff) Regulations will provide that when these articles are sent into the interior from any town or port, they shall, with the exception of gold and silver, silver coins, and personal baggage, pay an ad valorem duty of 2½ per cent.

Art. XV. — No contraband goods, such as gun powder, bullets or shot, cannons, guns, great or small, munitions

of

of war of all descriptions, salt for Chinese consumption, or opium, may be imported or exported. Infringement of this prohibition will subject the whole of the contraband goods to immediate confiscation. Russian subjects proceeding to China will be allowed to carry a single gun or pistol for personal protection and the fact will be entered on their passport. They must in all cases procure a license from the authorities for permission to import salt petre or lead, and they may only dispose of these articles to persons duly ~~authorized~~ licensed to purchase them. The exportation of Chinese rice and copper is prohibited; Foreign rice and grain of all sorts may be imported free of duty.

(Art.

Art. XVI. — Russian merchants may not convey goods belonging to a Chinaman to any market for him under cover of their own name.

Art. XVIII. — The Chinese Authorities may from time to time frame stringent regulations for the prevention of the evasion or short payment of duties.

List of Barriers.

Here follow the names of 35 Barrier stations in Russian and Chinese.

As to the above list of frontier barrier stations. When the Chinese frontier officials and the Russian Consuls have carefully

carefully ascertained and reported on the conditions of the different localities, the Tsung li Yamen and the Russian Minister at Peking may take into consideration the advisability of abolishing such of the above frontier barriers as they may see fit, or may substitute for them stations more favorably situated for purposes of trade.

File for the present
There is nothing to be done
with this, as it has already
returned to China.

No. 172

Two Enclosures.

Legation of the United States.

Peking, June 18th, 1881.

James B. Angell to

the Secretary of State.

Subject.

The Ward Estate claim.

Synopsis.

Briefly reviews the situation of the claim, and forwards correspondence with Prince Kung on the subject.

No. 173.

Department of the Interior,
Washington, June 15, 1871.

General James A. Hardie,
Inspector-General, U.S.A.

Sir:

The Department desires to have a thorough inspection made of the Subsistence Department, Military Academy at West Point, and the Quartermaster's Department, Military Academy at West Point, and the Ordnance Department, Military Academy at West Point, and the Engineer Department, Military Academy at West Point, and the Medical Department, Military Academy at West Point, and the Signal Department, Military Academy at West Point, and the Commissary Department, Military Academy at West Point, and the Adjutant's Department, Military Academy at West Point, and the Chaplain's Department, Military Academy at West Point, and the Band, Military Academy at West Point, and the Cadet Corps, Military Academy at West Point, and the Cadet Hospital, Military Academy at West Point, and the Cadet Barracks, Military Academy at West Point, and the Cadet Mess Hall, Military Academy at West Point, and the Cadet Chapel, Military Academy at West Point, and the Cadet Library, Military Academy at West Point, and the Cadet Gymnasium, Military Academy at West Point, and the Cadet Riding Hall, Military Academy at West Point, and the Cadet Stables, Military Academy at West Point, and the Cadet Guard House, Military Academy at West Point, and the Cadet Prison

No. 172.

Legation of the United States.
Peking, June 18th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

The Department's despatch No. 74. dated March 2nd, 1881. instructed me to present again to the Chinese Government the claims of the heirs of General Ward, known as the Ward Estate claims. It informed me that the heirs, through their attorney Mr. F. W. Hackett of Washington, were prepared to deduct from their claim of one hundred and ten thousand taels the sum of forty two thousand three hundred and nine taels—

(being

being the balance of account of Henry
C. Ward, brother of General Ward,
for monies entrusted to him for
the purchase of gunboats. I was
accordingly instructed to ask for
the balance, sixty seven thousand
six hundred and ninety one taels
with interest from March 3rd, 1863.
the date of an arbitration, by
which the sum of one hundred
and ten thousand taels had
been found due to General Ward
from Woo, Taotai, an accredited
agent of the Chinese Government.

I made a thorough examination
of the voluminous papers in our
archives on the subject. I rose from
that examination so impressed
with the weakness of the claim
as it was left by former negotiations
that, had the Department's instruction

left

left any room for me to act according to my own judgment, I should not have presented it. But the instruction was specific. Moreover I thought that if any better showing could ever be made in the future, it might be well enough to call the attention of the Chinese Government to the claim and prevent its lapsing from neglect.

Without attempting to recite the whole history of the proceedings in the prosecution of this claim, let me briefly point out some of the more marked embarrassments in pressing it.

By the agreement of Woo, Taotai, and Mr. Geo. F. Seward, Consul General, J. Kearney Rodgers, and Fred. Jenkins were appointed

Commissioners

Commissioners to consider among other things the claims of Woo and Ward against each other. They reported March 3rd, 1863, that Woo did owe Ward 110.000. taels, as the latter said on his dying bed. Woo refused to abide by the decision claiming that injustice had been done him.

Mr. Seward first demanded payment of him, but says he afterwards became persuaded that it was expedient to abandon the finding of this Commission and appoint another. Accordingly he did so and appointed Messrs Cunningham and Hanbury commissioners. They reported that there was not sufficient proof to establish either Ward's claim against Woo

Or

or Woo's against Ward.

The father of Ward protested vehemently against this finding, asserting that neither he nor Mr. Freeman, the Executor of General Ward's Estate, had been called on by the Commissioners for their statements. P. Mr. Evarts in his despatch of March 2nd rests the claim on the finding of the first Commission. But that was formally set aside by Mr. Consul General Seward, and the finding of Messrs Cunningham and Hanbury is unquestionably the last. It is true that Woo was as dissatisfied with this as with the first. But it certainly is now not practicable to take a very strong argument on the fact that the first Commission sustained the claim.

Again

Again I sought in vain in our archives to find any account rendered by Henry C. Ward. Mr. Seward in Enclosure 1. in No 536 of April 18, 1862. (p.p. 3-5- printed Ex. Doc. No 48. 45th Congress 2nd session) says the account was finally rendered, I accepted the statement and assumed in my despatch to Prince Kung that the account had been made up. The 1/172.
attorney's statement embodied in Mr. Evarts' No 90. that a balance of 42.309. taels is acknowledged to be due to the Chinese also indicates that Henry C. Ward's account has been rendered. But it seems from the Prince's reply 2/172.
to me that the Chinese have not seen it.

Finally Ward left no books which showed in a clear way the

state

state of his accounts. The Chinese attach almost no value to oral evidence in deciding claims, and the documentary evidence in support of Ward's claim is slender.

There are statements in the Prince's letter which might be criticised or traversed, if it were worth the while. For instance, the evidence is pretty strong that Woo did more than once after Ward's death admit that he owed Ward 110.000. taels.

But it strikes me as of little use to pursue the discussion of minor points, until the Department after reviewing this correspondence is convinced that there is good reason for pressing the claim. In that case Mr. Henry C. Ward's account

should

should be furnished to the Legation.

Trusting that my course thus far in the matter may meet with your approval, I await instructions before taking further action

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosures.

1. Mr. Angell to Prince Kung. No. 35. June 2nd, 1881.
2. Prince Kung to Mr. Angell No. 37 June 10th, 1881.

35/1881

Mr. Angell to Prince Kung

June 1st, 1881.

The Ward Estate claims

Sir:

I am directed by my Government for consideration to present to Your Imperial Highness, the Ward Estate claims. These are not to be confounded with the so called Ward Claims or the Georjer Claim. The Ward claims are the claims of the heirs of General Ward, the Commander of the Ever Victorious Army, who was mortally wounded in 1862, while fighting against the Taiping Rebels. Just before his death he dictated the statement "Wee Taotai of Shanghai owes me 110.000 taels" which was taken down in the presence of witnesses. The Taotai Wee admitted that the statement was correct, but maintained that he had claims against Ward. In February, 1863, Mr. Seward then Consul General at Shanghai and Woo formally agreed to leave to two arbitrators Messrs Jenkins and Rodgers to decide how much

(over)

was due from Woo to Ward and other creditors. (March 3rd, 1863,) they reported that Woo owed Ward 110000 taels. Woo, although he had formally consented to the arbitration, declared the decision unjust and refused to settle according to the arbitration. Prolonged and tedious negotiations followed which were unsatisfactory to both parties. Your Highness and my predecessor, Mr. Burlingame, exchanged notes on the subject in 1864.

It was shown by Woo that a considerable sum of money was entrusted to Henry C. Ward, a brother of General Ward to purchase steamships in England and in America, and that he had not rendered an account. He argued that whatever sum the brother did not account for, General Ward should be charged with. I am informed that H. C. Ward's account was finally rendered, and that forty two thousand three hundred and nine taels were due from him to the Chinese Government.

The heirs of General Ward have held that this sum is not properly chargeable

to

to his estate, but my Government
authorizes me to say that for the purpose
of securing a speedy payment of what is
due the heirs I propose to charge
themselves with that sum as a deduction.
Taking that amount from the sum
originally awarded, 110.000. taels there
remains the sum of sixty seven thousand
six hundred and ninety one taels. The
claim against the Chinese Government will
therefore stand as 67.691 taels with
interest at 10 % from March 3d, 1863.

I am directed by my Government
to say that in view of the very liberal
concessions which the claimants have
made, it is confidently hoped that China
will speedily take action looking to the
satisfactory adjustment of these long
standing claims. The services which
General Ward rendered to China in
a critical hour were so conspicuous
that unless it can be shown that he
was in error in asserting in his
dying hour a claim against Woo, the
authorized agent of the Government

or

or that he was indebted in a larger sum to the Government, the claims of the heirs of the brave man who gave his life for China, are entitled to early and favorable consideration.

I gladly avail myself of this occasion to renew my sentiments of distinguished consideration.

I am, etc,

(signed) James B. Angell.

37/1884

Prince Kung, chief Secretary of State for foreign affairs, herewith makes a communication.

I have had the honor to receive Your Excellency's communication of the 2nd instant, as follows:— (Mr. Angell's despatch No. 35. to Prince Kung is here quoted in full) In connection with this case the following facts appear. In the 1st year of Tung Chih (1862) Mr. Seward then Consul at Shanghai and Woo, Taotai, and others discussed this matter very fully without coming to an understanding. The documents which make up the case are on record and can be searched. In the 3rd year of Tung Chih (1864) the father of Ward came to Peking to present the claim. Mr. Burlingame wrote a letter to this Office requesting us to have the claim paid, and we wrote frequently to the Viceroy Li, at that time Superintendent of Trade

(at

at Shanghai, asking him to have the matter investigated. Li thereupon deputed someone to carefully examine the claim in concert with the Consul and the documents aggregated over a foot in thickness.

As Your Excellency's despatch now to hand does not go over the whole ground, we propose to give you a detailed statement of the case. You say, to begin "Just before his death Ward dictated "the statement "Woo, Taotai, owes me "110.000 taels" which was taken down "in the presence of witnesses. The Taotai "Woo admitted that the statement was "correct", etc. In the 11th year of Hsien Feng (early in 1862) Ward was engaged with the Imperialist troops fighting the Rebels. They dislodged the Rebels from Kao-Ch'iao and four other places, and Ward asked for a gratuity of 20.000 taels for each place recovered and when Ch'ing-pu was retaken he asked for another 10.000 taels. Woo, Taotai, and the others answered that as they

were

were already short of funds for the army, it would be exceedingly difficult to make the request (to the High officials) on his behalf. They said, wait till we have a succession of military successes we will abundantly recommend your services. This then is the ground on which the claim for 110.000. taels is based, the mere utterance by Ward of his hope (that he would get the money), and not a recognized obligation that has been left unfulfilled. Moreover in matters of debt between Chinese and foreigners, documentary evidence is always taken as proof. If Ward did have such a large claim he must have had documents to substantiate it, and if at the point of death he was so careful not to forget it, is it reasonable to suppose that he would not have exacted written proofs of his claim while alive? The mere dying statement (of Ward) if set up as proof for the bona fides of his claim, is basing the argument on very hollow ground.

With

With regard to the assertion that Woo, Taotai, admitted the correctness of Ward's words, it must be said that this statement was put in by Ward senior, and was never made by Woo, Taotai.

Again you say - "It was shown by "Woo, Taotai, that a considerable sum of "money was entrusted to Ward's brother "to purchase steamships in England and "America and that he had not "rendered an account". Ward's brother was known by two names Heng-leng Hwa-er, and Hwa Hsiang-le (Henry Ward). In the 1st year of Tung chih (1862) Ward undertook to purchase steamers and materials of war and took for this purpose 270.000. taels which were supplied by Woo, Taotai. There exist stamped official documents to prove this. After Ward's death no materials of war were delivered, and the steamers were sold by Henry Ward; and Ward was left indebted to Woo by a considerable sum. When the trouble with Burgevine occured in the winter of that year

(Consul

Consul Seward requested payment of the claims of the Foreign Hongs and Ward's claim of 110,000. taels was included in the list. This is a fact of which you are doubtless unaware since your despatch says "this claim is not to be confounded with the Ward and Keorjeor Claims". After this the accounts got so confused that Jenkins and Rodgers were appointed to arbitrate upon them but no satisfactory settlement was reached. In the winter of 1864. two other arbitrators were appointed, viz Cunningham and Hanbury and they decided in reference to Ward's claim that it be dropped as there were no reliable documents which could be taken as proof on either side. Woo, Taotai, protested stoutly against this arbitration. He said it was balancing off a visionary claim against a real one, and a trifling amount against a large amount. But Consul Seward held that as the decision of the arbitrators had been given the case could not

again

again be brought up.

Again your despatch says — "I am "informed that Henry C. Ward's account "was finally rendered and that 72.309 taels "were due from him to the Chinese Government." We should like to know when, where, and to whom, Henry C. Ward's account was rendered? and whether there is a receipt approving the expenditure (as set forth in the account) to prove (that it was rendered). In public transactions of this sort, there must be substantial proofs to support them, empty words cannot be taken as proof. Moreover if there was evidence of the rendering of the account, how is it that — Cunningham and Hanbury, when called upon to arbitrate, declared that the claim be dropped as there was no reliable evidence.

And again your despatch says — "The heirs of Ward propose to charge "themselves with the sum of 72.309 taels "as a deduction from the 110.000 taels due "from Woo to Ward. The claim against

the

"the Chinese Government will therefore
"stand as 67.691. taels." x x x. Ward's
claim of 110.000. taels against Woo is based
on a mere verbal declaration, while
there exists substantial proof of Woo's
claim against Ward for 270.000. taels. Besides
this, Ward owed 46.000 and odd dollars for war-
material purchased in England and
although he took the money, he did not
pay it. The debt was paid by Woo, Taotai,
who got a receipt from the English Consul,
which can be taken as proof. These two
sums therefore amount to over 300.000. tael.
We should like to know who it is that
has the right to claim, and on which
side the deduction can be made! Your
Excellency must be able to judge for
yourself. As to the question of interest,
if the claims are clearly established,
it is quite right that each should
pay the interest due on his side.

The foregoing facts are all matters
which came under Mr. Seward's administration
as Consul at Shanghai. When he was
promoted Minister, in his frequent

Consultations

consultations with this office on the Ward & Renjew Claims, he never referred to the Ward Estate claim as one which needed to be settled separately, Messrs Cunningham and Hanbury having decided that the case be dropped, although Wen, Taotai, said this arbitration was unjust, Mr. Seward regarded their decision as conclusive and therefore never came back upon the case.

Your Excellency having been requested by your Government to bring up this case probably through the importunity of Ward's heirs in expectation of gain, We therefore give you a detailed recital of the case from beginning to end which we beg you will communicate to your Government and we hope it may serve to remove all misconceptions in regard to this matter.

As regards the conspicuous services rendered by Ward and his fidelity and courage, the Government of China

has

has bestowed upon him high official honors and compassionate favors in abundance, it cannot be said that he was treated ungenerously. If his heirs now make use of Ward's death to beg untiringly, it will be converting what was originally a noble cause into a source of profit, a proceeding which, if Ward could have known it, he would certainly have condemned.

To

His Excellency James B. Angell,
etc. etc. etc. etc.

Peking, June 10th, 1881.

No 173. Two Enclosures.

Legation of the United States.

Peking, June 18th, 1881.

DEPARTMENT OF STATE
AUG 1 1881
RECEIVED

James B. Angell

to

the Secretary of State.

FRI... FOREIGN RELATIONS 1881

Subject.

Immunity granted to Protestant Chinese converts.

Synopsis.

Announcing that at Mr. Angell's request the Chinese Government has directed the exemption of Protestant Chinese Converts from assessments for idolatrous processions and spectacles, etc.

No. 173. Two Enclosures.

Legation of the United States.

Peking, June 18th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:

I am happy to announce that at my request the Chinese Government has taken action which will furnish to Protestant Chinese converts a relief from what they and our American missionaries have regarded as a serious grievance. This action will not only afford much satisfaction to our missionaries and to all our people, who are interested in the missionary work in China, but will, I think, remove what has been to some extent a cause

of

of friction between the local officials and the missionaries who wished naturally enough to shield their converts from a burden of taxation imposed to sustain heathen ceremonies and amusements.

Throughout the Empire, in all the towns and villages, from time to time the people assemble at festivals, where acts of heathen worship and public amusements are ingeniously combined. Now a god is received with a stately procession and placed upon his pedestal in a temple, now costly incense is burned before him. Often theatrical performances form a part of the public entertainment connected with the ceremonies at the temple. The funds to defray the expenses of these festivals are often collected as a sort

of

of tax by officials. So long as all the attendants were of the faith of the conductors of the festival, this mode of meeting the expenditure was unobjectionable. But when some of the Chinese espoused Christianity, whether under the instruction of the Roman Catholic or the Protestant Missionaries, they very properly desired to be exempted from contributing to the expense of ceremonies which they believed to be sinful. Accordingly as long ago as 1862. the Roman Catholics directed the attention of the Chinese Government to the matter, and, through the interposition of the French Minister induced Prince Kung to issue an Order, which afforded to Chinese converts to

the

the Roman Catholic faith the relief which they desired. Unhappily, perhaps, a different Chinese term has been used in treaties to designate Christianity, when the Roman Catholic faith is referred to, from that which is used to express the idea, when the Protestant faith is spoken of. Therefore although probably the Chinese Government was as willing to grant to Chinese Protestants as to Chinese Roman Catholics the privilege secured by the order of 1862. and although the Protestant converts have sometimes in dealing with local officials successfully appealed to the Order as substantially protecting them, still there have been many cases, in which assessments for the

the heathen celebrations have been levied on the Protestant converts. This has been regarded by them as a great hardship and the Protestant missionaries to whose flocks they belonged have deeply sympathized with them and have at times remonstrated with the local officials who enforced the assessment.

In 1867. when it was thought that perhaps there might be a general revision of the treaties of China with foreign powers, nearly all the American missionaries then resident in China, wrote to Mr. Burlingame, earnestly asking that in the revision this subject among others might be considered and that if possible immunity

against

against forced contributions to ~
heathen celebrations be secured
to Protestant converts.

My attention was attracted
to the matter a few months ago. I
was not certain that under Article
~~XXIX~~ of the Treaty of 1858, we might
not ask the Chinese Government to
relieve the Protestant converts from
the exactions above referred to.
But it is so extremely delicate a
matter to seem to interpose ourselves
in the least between Chinese ~
subjects and their own Government,
that in all my treatment of missionary
questions I have felt that that
Article was to be used only with
the utmost caution in seeking the
protection of Chinese converts against
Chinese officials. Furthermore it was

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so obviously just that the privileges extended to Roman Catholic converts should be granted to Protestant converts that I could not believe the Government would insist on making any distinction in its treatment of them. On careful reflection therefore I decided to avail myself of the first favorable opportunity to speak with the Tsung-li-Yamen on the subject.

Having occasion to visit the Foreign Office on some other business on the 31st ultimo, I broached the matter. The Ministers at once expressed their willingness to have an order issued, granting the wished for protection to Protestant converts. They requested me to communicate my desire in writing and promised

(to

to give it early attention.

Accordingly I addressed to Prince Kung the communication a copy of which I enclose. On the 12th instant I received his reply which also I forward. It is in every respect satisfactory. 1/173. 2/173.

I shall inform our Consuls of this action of the Government, that they may make it known to our American missionaries.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell.

Enclosures.

1, Mr. Angell to Prince Kung
No. 36. June 3rd, 1871.

2. Prince Kung to Mr. Angell
No. 38 June 12th, 1871.

36/1881.

Mr. Angell to Prince Kung.

Peking, June 3, 1881.

I have before me a copy of a most just and generous Order which Your Imperial Highness issued in Tung Chih 1st year, 1st moon (1862) assuring to Chinese who had espoused the Roman Catholic Faith (the religion of the Lord of Heaven) exemption from certain assessments for idolatrous processions etc. which they could not consistently with their religion consent to pay. In this Order you say very properly of these people

"They cannot on the ground of being
"members of the Church expect to be
"exempt from all contributions for public
"purposes. If labor were wanted for
"Government service or money to secure
"useful ends were to be levied, Christian
"converts are liable in the former case
"to be impressed for duty, and in the
"latter to be taxed in the same manner

as

" as other men."

You then add however,

" But they are never to be compelled
" to give anything towards receiving gods,
" idolatrous processions, theatrical
" performances and incense offerings and
" the like, because in none of these are
" they interested. If local authorities meet
" with subscriptions which have a mixed
" nature, civil and religious, they must
" honestly and rightfully separate one from
" the other and not impose them without
" judgment or discrimination. For instance
" were a fund to be raised, four tenths of
" which were for public objects and six tenths
" for useless (idolatrous) objects, the authorities
" must distinctly point out that Christians
" are liable only for the four tenths, and
" are not to be compelled to pay the
" remaining six tenths; the latter being
" for uses which do not concern them.
" Again should Christians on
" account of their refusal to be assessed
" their share towards these useless services
" which are contrary to their Christian
principles

"principles, be ill treated or beaten or be
"plundered of their property or have their
"crops burnt or destroyed, the local
"authorities must investigate the matter
"to the bottom in the sufferers behalf
"and rigidly punish the offenders according
"to law and order them to fully compensate
"for what was plundered, burnt or destroyed;
"and it must be just and equal."

I suppose this Order has served to protect the Chinese converts of the Roman Catholic faith. But I have been informed by American Missionaries who hold the Protestant faith that some of the Chinese converts to their religion who are good and loyal subjects have been much annoyed by demands for assessments for receiving gods, idolatrous processions, theatrical performances, incense offerings, and the like. It is contrary to the principles of their faith to contribute for such purposes.

I do not doubt that the Government of His Imperial Majesty desires to

treat

treat them with the same consideration which it has shown to the Roman Catholic converts.

I venture therefore respectfully to ask whether Your Imperial Highness would not think it proper and just to secure by proclamation or by order to the Provincial Authorities or in some other way the same protection in this matter to the Chinese converts to the Protestant faith which has been accorded to the Roman Catholic converts. I am sure that by so doing you would gladden the hearts of many of your countrymen and give another proof of that spirit of justice which Your Imperial Highness has so long shown in treating the often delicate questions raised by the work of foreign Missionaries in China

I am. etc.

(signed) James B. Angell.

38/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication in reply.

I have the honor to acknowledge the receipt of Y. E.'s communication of the 3rd instant as follows, (here follows the text of Mr. Angell's No. 35. to Prince Kung)

In reply I beg to state that I have forwarded communications to the Generals, Lieutenant-Generals, Governor-Generals, and Governors of the various provinces, and to the Governors of the Prefecture of Shun-T'ien, and of Mouklden, requesting them to instruct their subordinate officers so that all may know that the decree issued by this office in the 1st year of Tung Chih (1862.) is to apply alike to Roman Catholic and Protestant converts. I also forward a copy of the communication above referred to for Your Excellency's information.

H.E. James B. Angell, etc. etc. etc.

Peking, June, 13th, 1881. (Enclosure

Inclosure.

A communication from the Tsung-li-Yamun.

In the 1st year of Tung Chih (1862) this office received a communication from the French Minister Pu, ( ) stating that the cause of disagreement in the provinces between converts and non-converts was owing to the fact that the local officers made no distinction in levying subscriptions for receiving spirits, idolatrous processions, and such like expenditure to which Christians should not properly be required to contribute; and he requested this Office to instruct the local officers to stop calling upon Christians to subscribe for such purposes as the latter were averse to doing so. On that representation, this office memorialized the Throne and issued instructions to the provincial officers for their guidance. We also caused copies of a Decree to be printed which we sent to the French Minister to be given to his Missionaries and kept by them (for reference); and on the other hand, we

(sent

sent around (to the provincial officers) copies of the same Decree.) The above facts are on record.

On the 31st of May last, the American Minister, Mr. Angell, came to this Office and in conversation referred to the fact that the said Decree only mentioned Roman Catholics and made no reference to Protestant converts, that the latter were well disposed and law-abiding, but that they did not enjoy the immunity (granted by the Decree) He felt sensitive on this point. Shortly after a despatch was received from him, in which he says in conclusion —

"I venture therefore to ask whether
"Your Imperial Highness would not
"think it proper and just to secure
"by proclamation or by order to the
"Provincial Authorities, or in some
"other way the same protection in
"this matter to the Chinese converts
"to the Protestant faith which has
"been accorded to the Roman Catholics".

This Office finds that Roman

Catholic

Catholic converts have hitherto been exempted from contributing to receiving spirits, idolatrous processions, and such like ceremonies, but in the case of subscriptions for public purposes, or Government labor when wanted, or subscriptions to secure useful ends, converts and non-converts are alike liable to be impressed or taxed as the case requires. This is the rule which has been followed in the provinces for some years.

Although there are points of dissimilarity in the Roman Catholic and Protestant religions as practiced by the people, the Government has the same considerate regard for all, and its only hope is that converts and non-converts may for ever live on terms of peace. It has no intention to make the least discrimination between Roman Catholics or Protestants.

Having received Mr. Angell's communication as stated above, we feel bound to communicate with

Y.

Y. E. E. the Generals, Lieutenant-Generals, Governor-Generals, and Governors, in the various provinces and hope you will in turn instruct your subordinate officers so that all may know that the decree issued by this Office in the 1st year of Tung Chih is to apply alike to Roman Catholic and Protestant converts.

No. 174.

One Enclosure

Legation of the United States.

Peking, June 20th, 1881.

DEPARTMENT OF STATE
AUG
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1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject.

The Reported granting of a Monopoly to the Great Northern Telegraph Company.

Synopsis

Reports the attempt made by the Great Northern Telegraph Company to secure the exclusive right for twenty years to lay submarine telegraphs in China and the steps taken to defeat the scheme.

No. 174. One Enclosure.

Legation of the United States.
Peking, June 20th 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

On the 12th instant there came into my possession an extraordinary paper, which I inclose. It was the draft of the agreement between the Chinese Government and the Northern Telegraph Company. You may remember that this is a Danish Company, which owns the cable running from Shanghai down the coast and also that running via Japan to Vladivostock, connecting with the overland line thence to Europe. I was informed that

1/174

that the agreement had been signed on the 8th instant by Li Hung Chang, the Viceroy of this Province, and by Mr. Henningsen, an officer of the Company.

You will observe that the first Article of this Agreement among other things pledges the Chinese Government to forbid any person or corporation except the Northern Telegraph Company to land telegraph cables anywhere in the Empire, including all foreign settlements and the island of Formosa.

The second Article binds the Government to abstain from constructing and to prevent others from constructing submarine cables or land lines of telegraph in opposition to any of the Company's cables in China.

The

The third Article needs no attention. In the fourth is the pecuniary compensation which the Company makes for this monopoly, namely, it gives the Government the privilege of transmitting free of charge its messages to and from its diplomatic representatives and Consuls General abroad.

The fifth Article provides that, if not otherwise directed by the senders, messages for Europe shall be sent via Siberia and not by the Southern route. This is because the Company owns the entire Northern line, but only a portion of the Southern line to Europe, and has to divide with other Companies a portion of the proceeds of messages transmitted via Singapore.

Such is the general scope

of

of this remarkable document. It should not be overlooked however that by the terms of the first Article the Government reserves to itself the right to refuse even to this favored Company the permission to land any more cables.

Remembering that it was largely due to the hearty cöoperation of the representatives of other powers than Denmark with the accomplished Minister from that State, who first came here to secure a concession for the Northern Company that his effort was successful, and that it has been the uniform policy of the Western powers to secure for all nations the commercial advantages gained in China for any one, you may well believe that the news of this attempt of the Danish Company to secure a twenty

twenty years monopoly awakened in the Legations at Peking other feelings than more surprise.

Appreciating the deep interest we may have in laying a line of cable to China via the Hawaiian Islands at no distant day, I hastened to seek an early interview with the Tsung li yamen to prevent, if possible, the issuing of an Imperial Decree, without which this Agreement could not bind the Government. I met the Ministers of the Foreign Office on the 13th instant. On my asking if it was true, as I had heard, that an Agreement giving a certain monopoly to the Northern Telegraph Company had been signed, they professed to have only a

general

general knowledge of the fact. They said they had had no communication from Li Hung Chang and did not know the details. I expressed my astonishment that they had no official and exact information, as I had the text of the agreement in my pocket. They reiterated the assertion that they had not heard from the Viceroy on the subject. But they desired to know what I thought of the plan. I assured them that I was very glad of an opportunity to express my opinion to them. I told them that in one word it was a great mistake both economically and diplomatically.

First, just as they were beginning to expand their foreign trade rapidly and sending their

(over

own ships to foreign lands, they proposed to give to a company an exclusive privilege, which would enable it to keep a very high tariff for messages and so heavily burden the merchants of China and of foreign lands, who desired to communicate freely with each other.

Secondly. — If there is only one line and that protected as a monopoly, in time of war an enemy might and probably would destroy it and so prevent the Government from communicating with its Ministers abroad. The United States have indeed made vigorous efforts to bring nations to agree to observe the neutrality of cables in time of war, but so far no such agreement has been reached

(and

and International Law does not furnish a protection to the cable. But it is obvious that if there are several lines, not protected in this offensive way, the Government is much more likely to be able to maintain — communication with its representatives in Europe and America.

Thirdly, — such a monopoly as this is sure to be extremely distasteful to all the great foreign powers. Their Ministers will doubtless soon confirm what I am saying. Speaking particularly for the United States I am sure that I can hardly use too strong language in expressing the disapprobation with which this scheme will be regarded by my Government. I may venture to remind you that in or about the year 1866. this Government gave to

Mr.

Mr. Burlingame permission for
Americans to lay a cable from
Canton to Tientsin. You can hardly
be less generous now than you
were then. Furthermore, there are
many of your people in the
Hawaiian Islands and in the
United States and your trade with
us is increasing. It is highly
probable that before long American
citizens will desire to lay a cable
from San Francisco to the Hawaiian
Islands and thence to China. Such
a line will be a great advantage
to you as well as to us. And are
you going in this sudden manner
to make such an enterprise
impossible? I beg you to give
the subject your most serious
consideration.

His

His Excellency Mao assented warmly to what I said about the war question. His Excellency Wang, who at present rather leads in the transaction of business, said he did not see how it would benefit China to have only one Company, since probably other Companies besides this one would be willing to send Government messages gratuitously. If there were no telegraph in China, he added, the Government might have something to say. But since the Danes have one line, he did not see why other nations should be denied the same privilege.

Their remarks were somewhat guarded, but the drift of them seemed in harmony with the views I was presenting. In parting, Wang said,

"We

"We will write to the Viceroy and ask
"about the matter, we have not
"had a line from him".

The British and German
Ministers have also communicated
with the Foreign Office on the subject.

I am not without hope that
the Agreement may fail to secure
the approbation of the Emperor.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

Enclosure.

1. Draft of Agreement between the
Chinese Government and the
Northern Telegraph Company.

1. The Chinese Government guarantees to the Great Northern Telegraph Company exclusive monopoly of their submarine cables already landed on Chinese territory. Should the Company desire to land other cables in China, the permission of the Chinese Government must first be asked and obtained. Within a period of 20 years from date the Chinese Government will not allow any other person to land telegraph cables in the entire empire — including all the foreign settlements and Formosa.

2. Within the same period of 20 years the Chinese Government will not construct or permit others to construct submarine cables or telegraph lines by land in opposition to any of the Company's cables in China. Where there is no competition with the interests of the Company the

Chinese

Chinese Government will build lines at their pleasure,

3. Should the Chinese Government in future decide upon establishing new telegraph lines, preference will be given to the Great Northern Telegraph Company to do the work for the Government, providing their terms are lower than those of competitors

4. The Chinese Foreign Office and the two Superintendents of Trade for the Southern and Northern Ports shall be entitled for a period of twenty years to exchange telegrams with the Chinese Ministers and Consuls General residing abroad free of charges on the Great Northern Telegraph Company's cables in China, Japan, and Europe. Whenever such telegrams pass over other lines not belonging to the Company the Chinese Government pays all charges payable to there lines and also whatever besides the Company has to pay to

other

other administrations. All such official telegrams must be authenticated by the seal of the official sender of the same, otherwise they will be charged for in full.

5. The Company's cables being connected with foreign countries by two roules, namely a Southern viá HongKong, and a Northern via Japan and Russia the Chinese Government guarantees that when land lines have been established in China all telegrams to foreign countries handed in by the public and emanating from these lines, shall if not otherwise directed by the sender, be transmitted by the Northern roule.

6. In case of dispute hereafter the Chinese text will be guiding.

Desp. from U.S.

No 175.

Acknowledged Aug. 5. 1881. Mr. Cadwalader

Legation of the United States,
Peking, June 20th, 1881.

James B. Angell to the Secretary of State.

Subject.

The Reported Danger of King Kalakaua's transfer of some part of his Possessions to a foreign Power

Synopsis.

Reports that China has not the least desire to gain possession of any part of the Sandwich Islands, and the fruitless result of King Kalakaua's visit to this Empire.

No. 175.

Legation of the United States.
Peking, June 20th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

In your No. 90. April 22nd, 1881. you speak of the visit of the King of the Hawaiian Islands to the East and of the possibility of his transferring the whole or a part of his possessions to some foreign power and instruct me to watch any movement which looks to such a result and report the facts.

The King had left China before your despatch arrived. With an interest, however, natural to an American I had watched his

(course

course while he was in China and gained what information I could concerning the influences to which he was subjected. In my No. 142. I wrote to the Department of his visit to Tientsin.

The Chinese officials everywhere showed him so scanty civilities that it was very clear that their Government had no desire to make any arrangement to gain temporary or permanent possession of any part of his territory. Such a purpose would in any event be foreign to the whole spirit of this Government. Still in view of your suggestions, I took occasion in a recent conversation with Mr. Hart, the Inspector General of Customs, who would be very likely to know of any step taken with a view to commercial advantage to inquire if he knew of any

negotiations

negotiations by the Chinese with the King, and found that he regarded them as quite impossible. In an interview with the Tsung li yamen on the 13th instant. I sounded them on the matter and got substantially the same reply as from Mr. Hart. But I thought it wise to give them the caution, which you permitted me at my discretion to give, against allowing any Chinese subjects to advance money to secure any of those exclusive privileges in the Islands to which we are by treaty entitled to object.

I know no reason to suppose that the visit of the King to China had any political or commercial result whatever.

I have the honor to be,

Sir

Sir,

Your obedient servant,

James R. Skyll

Aug 16. 1881
Staff T. N. Co
Mr. Phelps

No. 476.

DEPARTMENT OF STATE
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1881
RECEIVED

Legation of the United States,
Peking, June 20th, 1881.

James B. Angell
to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject

The jurisdiction over foreigners in the Chinese Customs service.

Synopsis.

Reports the framing of Regulations by Mr. Hart which will remove the chances of serious trouble concerning the jurisdiction over foreigners in the Chinese Customs service.

No. 176.

Legation of the United States.
Peking, June 20th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

In my No. 149. of April 30th, I submitted for your consideration some interesting and important questions concerning the jurisdiction over foreigners in the Chinese Customs service. These questions had been suggested by the trial of a British subject Mr. Page, for shooting a Chinaman who was engaged in smuggling. Mr. Page has left the Customs service.

Meantime the Inspector General of Customs, Mr. Hart, who studiously

studiously avoids as a rule all
diplomatic embarrassments of the
Customs service, has made some
regulations for his subordinates,
which will greatly diminish, if
not altogether remove, the chances
of serious trouble concerning the
jurisdiction over foreigners
employed under him.

I am not permitted to
furnish you the circular containing
the new rules, But Mr. Hart has
read it to me, and I can properly
give you the substance of the
regulations. It is ordered that if
any foreign employé of the Chinese
Customs kills or wounds any person,
he shall at once resign his place
and report to the Consul of his
nationality, within whose jurisdiction

he

he resides. If the Consul tries and convicts him, his resignation is to be permanent. If the Consul acquits him or decides that there is no cause for trial, the employé may resume his official position with full pay during the time since his resignation.

The Consul, it will be observed, may still profitably have some instructions to guide him in determining whether there is cause for trial, whether for instance the fact that the killing or wounding was done in the course of official duty should exempt a man from trial.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Grant. Instructions to Holcombe July 11. 1881. Mr Cutler

Mr. Cooper draws up such extension July 11. 1881. Mr Cutler

Grant Hitt

Wade

DEPARTMENT JUL 28 1881 RECEIVED

No. 745 Main Street
Hartford, Conn. June 27th 1881.

Chester Holcombe to
the Secretary of State.

Subject.
Extension of leave.

Synopsis.
Mr. Holcombe requests an extension of his leave of absence to August 15th.

No. 745 Main Street
Hartford, Conn. June 27th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

Refering to the fact that the leave of absence for sixty days granted to me will expire upon the 10th of July next, I beg leave respectfully to request that an extension of thirty five days — say to August 15th — be granted.

I am informed by Mr. Angell that he desires

to

to leave China early in October, and it is my intention, in case you are able to accede to my request as made herein, to sail from San Francisco September 2nd, which will give me ample time to reach China before the present Minister takes his departure.

I am of course aware that an extension of my leave carries no salary with it under the statute.

Bespeaking your early attention to this request

I have the honor to be,
Sir, Your obedient servant
Chester Holcombe

Rec'd Aug 30, 1881
Mr Crider

Dep Bm. ack Hitt

Mr Crider

No 177.

One Enclosure

Legation of the United States.
Peking, June 27th, 1881.

James B. Angell to the Secretary of State.

Subject.

Chinese Minister to the United States.

Synopsis

Forwards an Imperial Decree appointing Cheng-Tsao Ju Minister to the United States, Spain, and Peru, and recalling Chen lan pin and Yung Wing.

No. 177. One Enclosure.

Legation of the United States.
Peking, June 27th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

Yesterday I received a communication from Prince Kung, a copy of which I enclose, announcing that the term of office of Their Excellencies Chên Lan Pin and Jung Kung (Yung Ching) has expired and that therefore they are recalled to Peking, and that Cheng Tsao Ju, Customs Intendant at Tientsin has been appointed Minister to the United States, Spain, and Peru.

1/177

The newly appointed Minister is a Cantonese, and was formerly

(officially

officially connected with the Arsenal at Shanghai. His official experience especially at Tientsin has brought him not a little into relations with foreigners.

I have the honor to be,
Sir,
Your obedient servant,
James R. Rydell.

Enclosure.

1. Prince Kung to Mr. Angell
No. 39. June 25th, 1881.

39/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

On the 24th of June last I was honored with the receipt of the following Imperial Decree.

"The Board of Foreign Affairs having presented a Memorial setting forth that the term of office of the Ministers abroad has expired, and requesting that their successors be selected. We appoint Cheng Tsao Ju, Customs Intendant at the port of Tientsin, to be Our Minister to the Courts of the United States, Spain, and Peru. In addition to his brevet rank of the second grade, let him be granted a Directorship (of one of the lower Courts) with third class rank.

Let Chen Lan Pin and Jung Hung (Yung Wing) return to Peking. Respect this!"

As in duty bound I forward

(a

a respectfully prepared copy of the foregoing Decree for Your Excellency's information.

H. E. James B. Angell.
etc. etc. etc.

Peking, 25th June, 1881.

No 178.

Rec'd July 8

Legation of the United States
Peking June 28th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Receipt of Despatches.

Synopsis

Acknowledges the receipt of despatches Nos 96. and 97. and Circular of April 25th 1881.

No 178.

Legation de la Haute Volta.

Paris, le 22 Juin 1921.

Ambassade de France à Londres.

Secrétariat d'Etat.

Dir:

No. 178.

Legation of the United States.
Peking, June 28th, 1881.

Honorable James G. Blaine.
Secretary of State,

Sir:—

I have the honor to acknowledge the receipt of your despatches — numbered 80, 96. and 97. and also of your circular of April 25th, 1881, — concerning letters of introduction to American citizens.

I have also received four volumes "Foreign Relations of the United States for 1880."

Your despatches Nos 91. 92. 93. 94. and 95. have not come to hand.

I have the honor to be, Sir,
Your obedient servant.
J. B. Angell

Mr Cridler

Act + file

No 179.

Legation of the United States.
Peking. June 29th, 1881.

James B. Angell to the Secretary of State,

Subject.
The new German-Chinese Treaty.

Synopsis.
Forwards an English translation of the new German Treaty with brief comments.

No. 179. One Enclosure.

Legation of the United States
Peking, June 29th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir,—

On the 31st of March 1880, Mr. von Brandt, the German Minister to China, concluded with the Chinese Government a Convention supplementary to the Treaty of 1861.

This Legation is in possession of copies, German and Chinese, of the Convention, which had been confidentially given to us by the German Minister. By some means the North China Daily News, published in Shanghai, has obtained a copy. On the 15th instant it

(published

published an English translation, apparently of the German version. I enclose a copy of its translation. I have compared it carefully with the German and have made one or two alterations where the translation was obscure or misleading.

This Convention has not been ratified by the German Government, and Mr. von Brandt has secured an extension of the time allowed for the exchange of ratifications. It is thought that the Reichstag will ratify the Treaty next winter.

The German Minister's negotiations furnish a good illustration of the slow pace at which business is usually transacted by the Chinese Government. Though he is an exceedingly energetic diplomat, and though, as you will see,

the

the subjects handled in this Convention are of minor importance, I believe that more than three years elapsed between the beginning and the conclusion of the negotiations.

The third Article is probably of the most importance to foreign powers generally and to us. It looks to the erection of bonded warehouses first at Shanghai and then at other ports.

Article I. legalizes the present custom of transhipment at Woosung below Shanghai which the existence of the bar renders necessary.

Article II secures a concession of a certain value in an abatement of tonnage dues under the circumstances named.

The other Articles hardly

(call

call for special notice.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosure.

1. Translation of the Supplementary Treaty between Germany and China.

THE SUPPLEMENTARY TREATY BETWEEN GERMANY AND CHINA.

We publish below a copy of a translation of the supplementary treaty between Germany and China, and for our comments thereon, we refer our readers to our leading article :—

H.M. the Emperor of Germany, King of Prussia, &c., in the name of the German Empire, and H.M. the Emperor of China, actuated by the desire to secure the better performance of the treaty of friendship, navigation and commerce, of the 2nd September, 1861, in fulfilment of the stipulation contained in the 41st clause of this treaty, by which the High Contracting German States shall, on the expiry of 10 years, have a right to demand a revision of the treaty, have determined to conclude a supplementary Convention to this treaty. For this purpose they have nominated as their Plenipotentiaries, viz :—

H.M. the Emperor of Germany, King of Prussia, &c., his Ambassador Extraordinary and Plenipotentiary Minister to H.M. the Emperor of China, Max August Scipio von Brandt.

And H.M. the Emperor of China, the Ministers of the Tsung-li Yamên, the Secretary of State, Assistant Member of the Grand Secretariat and President of the Board of War, Shen Kue-fen, and the Secretary of State and President of the Board of Finance, Ching-lien.

Who, after having communicated their powers to each other and having found the same in good and due form, have agreed to the following Articles.

Article I.

Chinese Concession. — The ports of I-ch'ang in Hupeh, Wuhu in Anhui, Wên-chow in Chêkiang, and Pakhoi in Kuang-tung, and the landing places Tatung and Anking in Anhui, Hukow in Kiangsi, Wusieh, Luchikow and Shashih in Hukuang, being already opened, German vessels shall also further be permitted to stop for a while in the port of Woosung in the province of Kiangsu to embark or discharge merchandise. The necessary regulations for this purpose shall be prepared by the Taotai of Shanghai and other competent officials.

German Concession.—In the case of concessions made by the Chinese Government to another Government with which special joint stipulations of execution are connected, Germany, while claiming these concessions for itself and subjects, will also give its consent to the stipulations of execution combined with them. Article 40 of the treaty of 2nd September, 1861, is not affected by this stipulation and is hereby expressly confirmed. If, by virtue of the same, subjects of the Empire claim privileges, immunities or advantages which may be granted by the Chinese Government to another Government, or to the subjects of any other nation, they shall also be subjected to the stipulations of execution connected with them.

Article II.

Chinese Concession. — German ships which have already paid tonnage dues in China shall be allowed to visit all the other open ports in China, as well as all non-Chinese ports without exception, without being required to pay tonnage dues again within the term of four months. German sailing vessels which lie longer than 14 days in one Chinese port shall only pay the half of the tariff rate of tonnage dues for the time beyond this period.

German Concession. — The Chinese Government shall also have the right to appoint Consuls to all those places in Germany to which Consuls of other Powers are admitted, and they shall enjoy the same rights and privileges as the Consuls of the most favoured nation.

Article III.

Chinese Concession.—In all the open ports of China where it is considered desirable by the foreign trading community and the local circumstances appear to render it practicable, the Chinese Commissioner of Customs and the other officials concerned shall themselves take in hand the erection of entrepôts (bonded warehouses) and at the same time prepare the requisite regulations.

German Concession.—German vessels visiting the open ports in China must hand in a manifest containing exact statements of the quality and quantity of the wares. Errors which may have crept in it may be corrected within 24 hours (Sundays and holidays not included.) False statements of the quantity or quality of the wares shipped will be punished by the confiscation of the wares concerned, and further by a money fine levied on the Captain, which, however, may not exceed five hundred Taels.

Article IV.

Chinese Concession.—On native Chinese coal, which is exported by German merchants from the open ports, the export duty is hereby reduced to three (3) mace per ton ; on coal exported from those ports where a lower duty is already established, this lower rate is still to subsist.

German Concession.—When any one, not in possession of the prescribed certificate, shall pursue the trade of pilot for any kind of vessels, he shall be subject to a money fine, which may not exceed one hundred Taels for each case. Regulations for the exercise of due control over sailors also be agreed to as speedily as possible.

Article V.

Chinese Concession. — German ships requiring repairs in consequence of damage sustained either in port or out of it shall not have to pay tonnage dues for the time —to be fixed by the Custom House— occupied for the repairs.

German Concession.—Chinese - owned ships may not make use of the German flag. Neither may German ships make use of the Chinese flag.

Article VI.

Chinese Concession.—In the event of German ships which have become unseaworthy being broken up in an open port in China, their materials may be sold without import duty being levied on them. However, when the materials are to be landed, a "permit to discharge" must first be obtained for them in the same way as takes place for wares.

German Concession.—If German subjects, without being in possession of a pass issued by the Consul and stamped by the authorised Chinese official, betake themselves to the interior for pleasure journeys, the local officials are conceded the right to send them back to the nearest German Consulate for the exercise of the necessary supervision over them. Offenders shall, besides, be subject to a fine to the extent of three hundred Taels.

Article VII.

Chinese Concession.—Materials for German docks are duty free. A list of those articles which, by reason of this stipulation may be imported duty free, is to be prepared and published by the Inspector-General of Customs.

German Concession.—Inland passes for wares of foreign origin issued to German subjects, as well as travelling passes issued to German subjects, shall be valid only for the period of thirteen Chinese months, counting from the day of issue.

Article VIII.

The settlement of questions concerning the exercise of justice in mixed cases, the taxation of foreign wares in the interior, the taxation of Chinese wares in the possession of foreign merchants in the interior, and the relations between foreign and Chinese officials is reserved for special negotiations, into which the respective Governments hereby declare themselves ready to enter.

Article IX.

All the stipulations of the former treaty of the 2nd September, 1861, which are not altered by this agreement, are hereby again confirmed, as both parties expressly declare. But with those articles which are affected by the present agreement, the altered construction (wording) shall be considered as binding (ruling).

Article X.

The present supplementary Convention shall be ratified by the respective High Authorities, and the ratification protocols shall be exchanged within one year from the day of signature in Peking. The stipulations of this agreement come into operation on the day of exchange of ratifications.

In witness whereof the Plenipotentiaries of the two High Contracting Parties to the above agreement have signed with their own hands and affixed their seals to four copies each in German and Chinese text, which have been compared and been found to agree with each other.

Done in Peking the 31st day of March, in the year of Our Lord, 1880, corresponding with the 21st day of the 2nd month of the 6th year Kuang Sü.

(Signed) M. Von Brandt.

(Signed) Shen Kue-fen.

" Ching Lien.

Set of special stipulations of the supplementary convention.

In the interest of greater distinctness and completeness it has appeared desirable to complete the Supplementary Convention by a number of special stipulations. The following stipulations must be adhered to by the subjects of the two contracting parties in the same manner as the stipulations of the treaty itself. In witness whereof the Plenipotentiaries of both States have affixed their seals and signatures thereto.

1.—In consequence of the newly granted privileges for the port of Woosung in the Kiangsu Province, it is there permitted to German ships to receive and to discharge merchandise which is either intended for Shanghai or comes from Shanghai. The Customs Taotai in Shanghai and the other competent officials shall, for this purpose, have the right to prepare regulations for the prevention of duty defraudation and improprieties (irregularities) of all kinds, which shall be binding on the trading communities of both countries. German merchants are not allowed to build landing-places, mercantile houses or warehouses at the said place. (to see whether)

2.—An attempt at entrepôts (bonded warehouses) can be established in the open ports of China shall shortly be made in Shanghai. For this purpose the Commissioner of Customs at the said place and the Inspector-General of Customs shall forthwith prepare regulations appropriate to the local circumstances, and the establishment of this bonded warehouse shall then be taken in hand by the said Commissioner of Customs and colleagues.

3.—If any wares on board of a German vessel, for whose discharge a written permit of the Custom House is requisite, are not entered on the manifest, the offence (mistake) of a false manifest shall thereby be held to be constituted, no matter if a certificate signed by the captain of the receipt on board of these wares is existent or not.

4.—If a German ship has become in want of repairs in consequence of damage sustained in one of the open ports in China, or out of the same, the time required for the repairs shall be taken into account for the term at the expiry of which tonnage dues have to be paid —should it appear, however, that only a pretence has been made and that the intention is to evade legal payments to the Customs, the vessel in question shall be subjected to a money fine corresponding to double the amount of the tonnage dues of which it was attempted to evade payment.

5.—Vessels of all kinds belonging to Chinese subjects may not make use of the German flag. If, however, decided grounds for suspicion present themselves that this has taken place, the Chinese official concerned shall address an official communication to the German Consul about it, and should it be proved, in the course of the enquiry instituted by him, that the vessel is, in fact, not justified in flying the German flag, the vessel, as well as the wares on board, so far as they belong to Chinese merchants, shall at once be delivered to the Chinese officials for their further disposal. Should it be shown that German subjects have knowledge of the circumstance, ~~those participating~~ and have participated in the practice of this irregularity, all the wares found in the vessel belonging to them, will become liable to confiscation, and they themselves to the legal penalty. If a German vessel flies the Chinese flag in an unauthorised manner, in the event of its being proved on an enquiry conducted by the Chinese officials that the vessel is, in fact, not justified in flying the Chinese flag, the vessel, as well as the wares on board, so far as they belong to German merchants, shall forthwith be surrendered to the German Consul for further disposal and punishment of the offenders. Should it be shown that German owners of wares have knowledge of the circumstance and have taken part in the practice of this irregularity, the wares belonging to them found on board the vessel will collectively become liable to confiscation on the part of the Chinese officials. Wares belonging to Chinese can at once be confiscated by the Chinese officials.

6.—If in one of the open ports in China, at the sale of the broken-up materials of a vessel which has become unseaworthy, an attempt is made to include (smuggle in) wares belonging to its cargo, these wares shall be liable to confiscation; and, further, a fine shall be levied corresponding to double the amount of the import duty which would otherwise have been levied.

7.—If German subjects with foreign wares go into the interior or undertake travels in the interior of the country, the passes or certificates issued to them shall be valid only for 13 Chinese months reckoned from the date of issue, and may not be used any more after the expiry of this period. The expired passes and certificates must be returned for cancellation to the Customs official within whose official district they were issued.

Note.—If a pleasure journey is undertaken in such distant regions that a period of one year does not appear sufficient, this must be noted on the pass at the time it is issued, by reason of an agreement between the Consul and the Chinese official.

Should the return not be made, no pass will again be issued to the concerned until this is done. Should the pass be lost, no matter if it happens within the period, or after expiry of same, the concerned must forthwith place on record a truthful statement about it with the nearest Chinese official. The Chinese official concerned will then take further steps concerning the invalidation of the pass. Should the statement put on record be shown to be untrue, if the transport of wares is concerned, the wares shall be confiscated, but if a journey is concerned, the traveller shall be taken to the nearest Consul and be handed over to him for punishment.

8.—Materials for German docks enjoy the privilege of duty free importation into open ports only in so far as they are actually to be applied to the repair of vessels. The Customs official has the right to convince himself of the manner in which these materials are made use of, by the evidence of officials sent to the dock for that purpose. In the case of the new building of a vessel, duty will be calculated on the materials used in it, in so far as these are included by name in the import or export tariff, at the tariff rate; on those articles not included in the tariff, at 5 % *ad valorem*, and the merchant concerned will be held bound to pay this duty subsequently to the Custom House. Whoever desires to build a dock must obtain a cost-free concessionary certificate, and sign a written obligation whose contents and wording are to be settled in appropriate form by the Customs office concerned.

9.—Article 29 of the Treaty of 2nd September, 1861, shall have application to the monetary fines settled by the present Supplementary Convention.

Done in Peking, the 31st March in the year of our Lord, 1880, corresponding with the 21st day of the 2nd Moon of the 6th year Kuang Sü.

(Signed) M. von Brandt.
(Signed) Shen Kuh-fen.
(„) Cheng Lien.

File

No 180.

Book to Asst Dept Library for Prussia & see.

Book to Mr Saunders aug 22, 1881. Mr Cridler

Mr Cridler to Mr Saunders

Legation of the United States,

Peking, June 29th, 1881.

James B. Angell to the Secretary of State.

Subject.

Customs Documents.

Synopsis.

Forwards Customs Trade Returns for 1880.

No. 180.

Legation of the United States,
Peking, June 29th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I send you herewith a copy of the Customs Trade Returns for China for the year 1880.

I have the honor to be,
Sir,
Your obedient servant.

James R. Swyll

DEPARTMENT OF STATE
AUG 20 1881
RECEIVED

Tientsin. China.

July 1st 1881.

Hon. James G. Blaine,
Secty of State,
Washington. D.C.

Sir:

In conformity with the Departments instructions of May 9th Ult. I have the honor to report the result of an interview had with His Excellency. Viceroy Li Hung-Chang - as follows: -

First - His Excellency stated that as he had promised me in the month of August last that he would use his friendly efforts to bring about a treaty between Corea and the United States he had in accordance with this promise held a long conversation with a Corean Officer visiting China who, although not a Minister, or officially authorized to represent the Corean Government, was yet a man of influence - As the result of this interview the Corean was favorably impressed with the advantage of making a treaty with the United States -

Subsequently H. Ex. the Viceroy, wrote to the Government of Corea but to this letter no answer has yet been received -

The

The current of events in Corea in the interval between my last visit and the present time seems to have been this — During the pending difficulty between Russia and China the Corean Government harassed by the fear that Russia would in the event of war take possession of some of her ports was not only willing but anxious to enter into treaty relations with Western Powers — more particularly perhaps with the United States — but when the treaty of peace was signed between Russia and China this apprehension was dispelled and Corea partially reverts back to its desire for isolation —

In the meanwhile two parties seem to have risen in that country owing primarily to the visit of the "Ticonderoga" — one for, and the other against opening the country to foreign commerce —

The Viceroy states that the King and the Court Officials belong to the first of these parties while many of the men occupying some of the minor offices of the Government are opposed to any foreign intercourse whatever —

The Viceroy also says that while he is satisfied that the influence of China would have great weight with the Government of Corea in effecting the treaty

con-

contemplated, which he himself is anxious to secure, yet he apprehends that if any direct action is taken on the part of his Government in favor of the United States the Representatives of every Western Nation would demand the same in behalf of their respective Governments — While therefore he does not see at present exactly what course to recommend in the matter he advises me to have patience as he has the conviction that a treaty can eventually be made —

The Viceroy seems to have been somewhat annoyed by an effort which he understood had been made by our Minister in Japan through the Chinese Embassy at Tokio to persuade the Corean Government to send an Envoy to Japan to confer with him on the subject of a treaty between the United States and Corea.

I informed the Viceroy that I knew nothing of this matter nor had Judge Bingham mentioned it to me during my late visit to Tokio — The jealousy existing between China and Japan, at present enhanced by the delicate relations between the two countries, will account for the feeling exhibited by His Excellency in this occasion —

After a desultory conversation as to the importance

of

of a treaty with Corea, not only to that country but to China, I told His Excellency that I preferred to let the subject rest until I could see our Minister at Peking, as I had no authority at present other than to ascertain the present condition of things —

In this connection I would state that I ascertained when in Japan that while on the one hand the French Missionaries had again been departed from Corea, that on the other hand the Corean Government had sent forty young men to Tokio for the purpose of reporting to their Government and the country the advantages of Western civilization as exhibited in Japan — Thus it will be seen that the Visit of the "Ticonderoga" has created a party and aroused a feeling which will undoubtedly lead to the opening up of that country to foreign Commerce —

As peace however has ensued between China and Russia, and thus the apprehension that Russia would take possession of Corean ports has been removed, it will be readily understood that neither the Viceroy or the Chinese Government

Jeal

feels so earnestly the necessity of securing the integrity of Corea by means of treaties with Western Powers - Nevertheless I am inclined to the opinion that in the course of a few months the friendly offices of China might be obtained and a Commissioner of the United States might succeed in making a treaty on Corean Soil; this of course would require the assistance of a ship of War -

Second. His Excellency in reference to the appointment of U. S. Minister to Peking desired me expressly to say that he would regard the selection of Judge Denny, the present Consul General at Shanghai, as the best both for the interest of China and the United States, and for the perpetuation of the present amicable relations between the two Countries - To use his own language he said he would "guarantee" from his long personal acquaintance with Judge Denny that he would give perfect satisfaction in the post of American Minister to Peking - His Excellency requested me to state this in my communication to the Hon. Secty of State.

During the interview the new Chinese Minister to Washington, H. Ex. Chên Tsao Jü was present and the Viceroy desired me to commend him to the friendly

offices

offices of the Hon. Secty of State, Mr. Blaine, and to the Government of the United States generally, saying that he hoped he would prove acceptable and aid in maintaining our present friendly relations -

The interview concluded with the satisfaction which His Excellency the Viceroy expressed in the selection of Lieutenant Mannix of the U. S. Marine Corps as instructor in Naval Torpedoes and Coast defense - His Excellency stated his opinion that this Officer would render valuable service to China —

On the following day the Viceroy returned my visit and subsequently I accompanied him by invitation to one of his men-of-war used as a training ship where I found the drill conducted entirely by Chinese Officers and by no means discreditable to their Navy.

I shall proceed in a day or two to Peking and have already informed our Minister of my presence here.

I have the honor to be.

Very respfly. Your Obdt. Servt.

R. W. Shufeldt

Commodore U.S.N.

On Special Service.

Unofficial

Rec'd Aug. 20

Legation of the United States,

Peking, July 2, 1881

Hon. James G. Blaine

Sec'y of State,

Dear Sir,

By the last mail I wrote you of the omission of the words "in the Chinese Empire" in the Chinese version of the judicial Article of our Treaty. I have since been examining other Treaties and find that written in the French Treaty of 1860 (Art. 38) nor in the German of 1861 (Art. 38) are the words "in China" found. Fortunately the Foreign Office have just had occasion to interpret the German Treaty. A Chinaman

in Berlin was arrested for theft. The Chinese Minister claimed jurisdiction under Art. 38 and demanded his surrender. The German govt. refused; and now the Foreign Office has decided that the Chinese Minister's claim was not good under the Treaty. So I think he may dismiss his pretensions in that point.

I am contending as vigorously as I can against the Telegraph monopoly scheme, of which I wrote by last mail. I am not quite so confident as I hoped I should be of some of the other Ministers. The Russians here are charged with Danish affairs and so the Russian Secretary in charge does not feel like moving

The Russ Minister has written home
a rigorous despatch, but has not for-
warded it to the Yamen. I am trying to per-
suade him to do so and hope I may
succeed. The British Minister has ex-
pressed formally his disapprobation
of the scheme, but not so earnestly
as I. This week I have been
to the Yamen again on the matter. They
say they have a Stormy Petrel from
Hong Chang advocating the plan, and
they promise to send it to me. At this
writing I have not received it.

The Customs Taotai at Tientsin,
Cheng Tsao Ju, is about to visit
the U.S. He will go first to Eng and
the two new Chinese will then return,
as he is supposed to be making
about $300,000 a year from his present
office. He is said to have pleaded

that his talents are too humble for the
post at Washington, but he is to go.

He is not a man of the highest official
rank. Such men are unwilling to go
abroad. He is a Cantonese. I have
not yet met him. Those men who know
him think he is not a representation
of the best sort of Chinese statesmen.
The Ministers of the Yamen com-
mended him to her warmly.

I hope soon in the Tsalis
some notice them. The Yamen has
just repeated their promise that
there shall be no delay.

Yours very respectfully
James R. Angell

P.S. If you have occasion to write me personally
after August 10. you had best address me. London
32 Lombard St. c/o Hongkong & Shanghai Bank.

Dep Sec asks Note Mark for Walker Blaine

File

No 181 leader Three Enclosures.

Legation of the United States.

Peking, July 8th, 1881.

James B. Angell to

the Secretary of State.

Subject.

The Yen Ping assault case.

Synopsis.

Reports the present status of the case as exhibited in the correspondence between the Consul and the provincial Authorities.

Enclosure No. 4

Department of the Interior,
Washington, July 5th 1881.

Memorandum for Mr. Secretary.

Mr. Secretary:

Under date of the 11th inst. the Commissioner of the General Land Office transmitted to this Department the papers in the case of the Northern Pacific Railroad Company, involving the question whether the Company is entitled to certain lands in lieu of those claimed by the Government as mineral lands, and which were withdrawn from the operation of the grant to the Company.

The papers were referred to the Solicitor for his opinion, which is as follows:

"The Northern Pacific Railroad Company claims the right to select lands in lieu of those withdrawn from the operation of the grant, on the ground that the lands withdrawn are mineral lands, and that the Company is entitled to indemnity for the same.

The question presented is whether the Company has the right to select lands in lieu of those withdrawn, on the ground that they are mineral lands, or whether the Company must wait until the mineral character of the lands withdrawn has been established by the usual proceedings, before it can select other lands in lieu thereof.

The grant to the Northern Pacific Railroad Company was made by the act of July 2nd 1864, (13 Stat. 365) and the amendatory act of May 31st 1870, (16 Stat. 378) and the act of March 3rd 1871, (16 Stat. 573) and the joint resolution

No. 181.

Enclosures.

Legation of the United States.

Peking, July 8th, 1881.

Honorable James G. Blaine,

Secretary of State.

Sir:—

In my No. 70. December 11th, 1880. to the Department I set forth the state of the negotiations on what is known as the Yen Ping case, in which satisfaction is sought for the attack on the Reverend Mr. Sites and assurances are asked for the protection of American missionaries in their lawful work.

Both Mr. Consul Wingate and I thought at that time we should be able to report a settlement of the case before now. But after

(waiting

waiting some months in vain for
news of proper action by the Fukien
Authorities, I wrote on May 3rd to the 4/881.
Consul inquiring what had been
done. On the 18th of May the Consul
sent me a despatch, from which I copy
all that pertains to this subject and 2/881.
the enclosures, consisting of a proposition (and 3 enclosures)
of terms of adjustment made by Chinese
officials and of a Draft of a Proclamation
which the high Provincial Authorities
proposed to issue, and of Mr. Consul
Wingate's suggestions concerning the
proposed basis of adjustment.

It would appear that at first
negotiations were carried on with
activity, but that no less than
fourteen intermediaries were thrust
in between the Governor General
and the Consul to transact

business

business and that finally the Chinese officials ceased altogether to act. So that really nothing definite had been accomplished.

On receiving the despatch of the Consul I went to the Foreign Office to remonstrate against this interposition of a large number of petty officials. I assured them that business could never be completed in that way and that I must ask them to instruct the Governor General to proceed by a better method. They promised to write to him immediately on the subject.

3/181 On June 22nd I wrote to the Consul, approving in the main of the changes which he had suggested in the Chinese proposition

Cof

of adjustment and of the proposed proclamation of the Provincial Authorities. I suggested the omission of one sentence in the Proclamation and expressed a doubt whether it was absolutely necessary to insist on placing a tablet on the Chapel as a means of securing it against injury.

I hope the question at issue may be speedily settled, especially as a new Governor of Fuhkien has been appointed, who I fear will be no improvement on the old one.

Trusting my action may meet with your approbation.

I have the honor to be

Sir,

Your obedient servant.

James B. Angell

Enclosures.

1. Mr. Angell to Mr. Wingate
   No 16. May 2nd, 1881.
2. Mr. Wingate to Mr. Angell
   (with inclosures)
   No 15. May 16th, 1881.
3. Mr. Angell to Mr. Wingate.
   No 18. June 23rd, 1881.

Mr. Angell to Mr. Wingate.

No 16. May 3rd, 1881.

Sir:—

It is now several months since, as I notified you, Prince Kung informed me that the Provincial Authorities had been ordered to take up again the Yen Ping case and settle it justly.

Will you please inform me what steps, if any, the Provincial Authorities have taken in compliance with the directions from Peking. If they have taken none of consequence, will you say to them that I should regret the necessity of troubling the Tsung li Yamen with any further complaints, but that we must ask for early and satisfactory action.

I am, etc.

(signed) James B. Angell.

Mr. Wingate to Mr. Angell,
No. 15 May 16th, 1881.

Sir:—

I have the honor to acknowledge the receipt of your despatch of the 3rd instant, enquiring what steps have been taken by the Provincial Authorities towards a settlement of the Yen Ping case. In reply, I have to report that soon after the receipt of your despatch of December 10th 1880, giving instructions in the case, I addressed the Viceroy upon the subject. On the 29th of January I received a despatch from Yeh, Taotai, wherein he quoted an instruction from the Viceroy, referring to my despatch and to the directions received by him from the Tsung li yamen, and ordering the Board of Foreign Intercourse to take up the case etc.

In pursuance of this, several conferences were held by me with the officials who were directed to see me. The propositions which I made were generally agreed to, but there was an

(attempt

attempt to take the force out of them by verbal alterations &c. The case however seemed so near a settlement that I had no doubt that I should soon be able to report the facts to you. It is perhaps a conjecture, hardly to be admitted to the record, still I cannot help believing that had the fear of a war with Russia continued a few weeks longer this case would have been ended. Latterly nothing has been done, and the Provincial Authorities appear to have resumed their old attitude of obstructiveness.

Your Excellency understands that we do not recognize the Board of Foreign Intercourse, but the officials are constantly referring to it, and it is members of it who are sent to consult with me. Most of my conversation as to terms of settlement was with Sheng, now Opium Taotai. A few weeks ago Fang, Expectant Taotai, came with a draft of a Proclamation and of a despatch to be sent to me by Yeh. Upon my calling attention to the fact that they were not now offering what

Sheng

Sheng and I had agreed upon. Fang said "Oh, if Sheng has agreed to such a thing, we must consult about it". I send a copy of the paper Fang brought so that you may judge of the difficulty of getting any settlement of cases submitted to the determination of such a number of officials, it being impossible to fix the responsability upon any.

You will observe that the papers passed under the supervision of fourteen different persons, only four of whom actually hold office. The amendments in red were proposed by me.

× × × × × ×

I am, etc.

(signed) J. C. A. Wingate.

Draft of adjustment suggested by the Chinese Officials

In the case of assault upon the Rev. Mr. Sites, I received from my superior officer, who had received from the Tsung li Yamen, a communication setting forth certain points for the adjustment of the case as proposed by H. E. Mr. Angell. I (the Taotai) have already consulted with you (the Consul) and agreed upon a mode of adjustment having in view the immediate settlement of the case, and I now write out the points agreed upon between us.

(Emendations by the Cons ? see No

I. That the men who were the leaders in instigating and making the attack be arrested and punished. see No. 1.

It seems impossible to determine who the leaders are as the disturbance arose quite suddenly and inquiry does not show who it was that posted the placards. The men who were arrested at different times have already been punished according to law and now if the affair be vexatiously pursued some innocent person will undoubtedly

(be

be implicated. Now that we have consulted and decided, it seems unnecessary to pursue inquiries and arrests, so that needless trouble may be avoided.

2. That in some way it be declared for the information of the people that Mr. Sites did not fire a gun or give provocation for the attack on him by any unlawful or improper act.

It has been already clearly stated in a previous communication that Mr. Sites could not have fired the gun; but, as agreed between us, the local officer of Yen Ping will be instructed to put out a proclamation making it known to all that Mr. Sites did not fire the gun.

3rd That the Methodist Mission be at once put in possession of their chapels at Yen Ping, Sha-hsien, and Kien ning, that the damage done to their property be made good to them, and the preachers, foreign and native, be allowed at once to resume their work.

See No: 2

There is no chapel belonging to the American Mission that

I

I Know of in the city of Kien ning. We have agreed that you (the Consul) will state clearly where the chapels are which you speak of as being in Yen Ping, Kien Ning, and Sha Muin, and a Deputy from the provincial capital will be ordered to proceed thither, and acting in concert with the local officer, they will examine and immediately restore what should be restored. If there be any damage it shall be made good. And preaching and other lawful pursuits in the chapels will be permitted according to the Treaties.

4th That some proper means be taken to remind the officials and the people of Yen Ping that the owners of the property are the only proper persons to decide to what uses the Chapel near the small Water Gate in Yen Ping is to be devoted, so long as it is not used for illegal purposes. The best means would seem to be the placing of a tablet on the Chapel stating briefly that the treaty guarantees this right to the owners. see No. 3

The treaty guarantees to missionaries the

the right to engage in all lawful pursuits; and the treaty must certainly be followed. We have now agreed that a proclamation shall be given to the Missionaries to be put up. As to putting up a tablet the treaty says nothing about a thing of this sort and it is inexpedient to comply with this request.

5th That some efficient means be taken by proclamation or otherwise to warn people against committing such outrages so that they shall feel that these offences are a flagrant violation of treaties and cannot be committed with impunity.

I have already asked for and received permission from the Governor General, the Governor, and the Tartar General, to issue a proclamation, and shall again apply to them to have one drafted which I shall issue for the information of all the people.

Having already requested you to consult and decide upon the foregoing points, I now, as in duty bound, send

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a communication and hope you will favor me with a reply that a settlement of the case on the foregoing basis may be speedily arranged.

To

Mr. Consul Wingate.

Emendations by the Consul No 1.

Who is the superior officer? Please state it distinctly.

The first proposition to be wholly expunged, and the following inserted instead.

— There is no evidence to prove who were the instigators in the riot, nor is there evidence to prove who posted the placards. As regards the four criminals who were arrested and who confessed that they were concerned in the riot, they have been already tried and punished in accordance with their confessions. Consul Wingate is of opinion that the Yen Ping officials have neglected their duty when long after the disturbance they declare that the prime movers in the riot are hard to be detected. We have now consulted and agreed that some satisfactory measures must be devised looking to the promotion of good feeling between Christians and the people which is more desirable than further pursuing arrests and punishments.

The third proposition to be amended as follows:

We have consulted and agreed that the ground in Kien ning on which was built the chapel which was long since destroyed be restored to the American Mission. That they shall be permitted to build another church on the spot without being molested by the people who must attend to their own callings. Or that the Mission be allowed to select another satisfactory locality to be permanently leased by them. That the chapels in Yen Ping and Sha heien be immediately restored to the Mission, that the damage done to the property be made good, and that a Deputy from the provincial capital be ordered to Yen Ping, Kien ning, and Sha heien, to attend in person to the satisfactory adjustment of these matters, and who will report that the officials and people have been admonished to keep the peace. And also that the said Deputy shall see in person that the proclamation which is to be issued is satisfactorily posted everywhere.

No. 3.

The fourth proposition to be expunged and the following substituted.

With reference to putting up a stone tablet, we have agreed that the expense therefor shall be borne by the mission, that the Consul shall dictate the text of the notice. When the tablet is sent to Yen Ping the Magistrate or the Deputy from the provincial capital will proceed to the chapel and declare that the tablet is put up by the Chinese Authorities to remove any suspicion on the part of the people as to the genuineness of the tablet.

Draft of Proclamation proposed by the Chinese Officials —

Mu, General, Commander in Chief;
Ho, Governor General of Min and Che Pro
So, Governor of Fu Kien, jointly issue a
Proclamation.

Whereas it is clearly stated in the treaties that the Religion which the Missionaries of Western nations preach in China is to teach men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted. Missionaries and their converts, who, according to these tenets, peaceably teach and practise Christianity shall be afforded protection by the local authorities and shall be well treated by the people. Proclamations in this sense have repeatedly been issued, as the records show. The renting of ground or houses for the establishment of churches must be ~~conducted~~ with perfect willingness on both sides, and without extortion. The deed for the house

or

or ground so rented shall be sent by the Consul for the inspection of the district officer who will ascertain if there be any irregularity or objection in the transaction. (If there be none) he will stamp the deed and return it to the owner for reference in case of need. As regards subscriptions for receiving spirits, erecting shrines, theatrical performances and like proceedings, Christian converts will not be called upon to contribute to them so that quarrels may be avoided and Christians and non-Christians be enabled to live together peaceably based on mutual forbearance and love for each other. Thus may be fulfilled the purpose which the Government of China has at heart of treating strangers from afar with kindness and consideration, and of fitting what is prevalent for the benefit of generations. Therefore this proclamation. We expect you gentry and others and soldiers and people generally to know that the treaty revises to it by insertion the right to establish

churches

churches and preach the gospel. If there be cases in which property is fraudulently sold by some member of a family (without the knowledge of the real owner) or if there be some objections offered on the part of the inhabitants respecting the place, the facts must be reported to the local authorities who will take action, the people will not be allowed to take the law into their own hands and give him trouble. Strangers must be treated with friendliness. Missionaries have powers and foreigners who lawfully travel in the interior must also be well treated. They are not to be hindered or molested in any way. If friendly relations in cases of litigation there considered amenable to the jurisdiction of the local magistrate, who will administer justice according to law. Missionaries are not allowed to interfere in such cases. Enemy aid aliens, soldiers and people you must treat all as by the proclamation. Rebels, traitors and punishment will surely

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be meted out to anybody who ventures with
to disregard it,

Let all tremble and obey

A special proclamation,

Mr. Angell to Mr. Wingate
No 18, June 22nd, 1881.

Sir,

Your No 15. came duly to hand. In a recent interview with the Tsung li Yamen I showed them the list you sent me of the intermediaries who had been put forward to negotiate with you concerning the Yen Ping Case, and insisted that business could never be completed by the process followed in Fukien. They readily agreed with me and promised to instruct the Governor General that if he had not time to attend to the matter himself, he should appoint some one person, with whom alone you should be required to negotiate.

You are justified therefore in insisting on such a course and in declining to have your business tossed from one to another of these intermediaries.

× × × × × × × ×

In respect to the Yen Ping case itself, I think your suggestions of emendation to the Taotai's draft of an

agreement

agreement are proper and should be adhered to, unless possibly a concession be made on the fourth proposition. I do not Know how essential you who are on the ground deem the insertion of the tablet in the wall of the Chapel. If after a careful review of all the circumstances you are satisfied that the proclamation will secure the needed protection perhaps the tablet need not be insisted on. The point to be gained is protection for the future. Whatever is necessary for that ~~should be demanded~~. whatever is not necessary for that, I should say, could wisely be waived. I must trust to your judgment on the point. At this distance I cannot well form an opinion.

The proclamation seems inspired with the right spirit in the main. One sentence I should desire to be omitted. It is this "Missionaries are not allowed to interfere in such cases"

While I should hope missionaries would not "interfere" in the strict sense of that word, yet as under article XXIX of the Treaty of Tientsin it is provided

(that

that Chinese converts shall not be interfered with or molested, I think missionaries should not be cut off from the privilege as friends of discreetly speaking to an official in behalf of a Chinese convert, who is subjected to annoying litigation because he is a convert. Such cases have occured.

× × × × × ×

I trust that under the directions which the Tsung li yamen have promised to send to the Governor General this case which has been so long under consideration may be finally disposed of.

I am. etc

(signed) James B. Angell

Mr Cridler

No 182

Dec 17 - 1881 June 28.

Legation of the United States.
Peking, July 8th, 1881.

DEPARTMENT OF STATE
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1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

The receipt of Despatches, and of the ratified Treaties.

Synopsis.

Acknowledges the receipt of the ratified Treaties and of despatches numbered 92. 93. 94. and 95.

No. 182.

Legation of the United States,
Peking, July 8th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

I received yesterday by the hand of Commodore Shufeldt U.S.N. the ratified copies of the Treaties negotiated with the Chinese Government in November last and accompanying papers and the despatches numbered 92. 93. 94. and 95.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

No 183. One Enclosure.

Legation of the United States.
Peking, July 9th, 1881.

James B. Angell to
the Secretary of State

Subject.

Incidental Expense Account.

Synopsis.

Forwards a statement of the Incidental Expense Account for the second quarter of 1881.

No. 183. One Enclosure.

Legation of the United States.
Peking, July 9th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

I have the honor to forward herewith a statement of the Incidental Expense Account of this Legation for the second quarter of 1881. A duplicate statement will be forwarded in due course.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

Enclosure.

1. Incidental Expense Account for the 2nd Quarter of 1881.

Col. Morgan

No. 184. One Enclosure.

Legation of the United States,
Peking, July 9th, 1881.

DEPARTMENT OF STATE
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1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.

Legation Rent Account.

Synopsis.

Forwards a statement of the Rent Account of the Legation for the second quarter of 1881.

No 184. One Enclosure.

Legation of the United States.
Peking, July 9th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

I have the honor to forward herewith a statement of the Rent Account of this Legation for the quarter ended June 30th, 1881. A duplicate statement will be forwarded by next mail.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosure.
1. Legation Rent Account for the second quarter 1881.

Col. Morgan.

No 185. One Enclosure.

Legation of the United States.
Peking, July 9th, 1881.

DEPARTMENT OF STATE
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1881
RECEIVED

James B. Angell
the to
Secretary of State.

Subject.
Mr. Angell's Salary Account.

Synopsis.
Forwards a statement of Mr. Angell's Salary Account for the second quarter of 1881.

No 185. One Enclosure.

Legation of the United States.
Peking, July 9th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

I have the honor to transmit herewith a statement of my salary account for the second quarter of the current year. A duplicate statement will be forwarded by next mail.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosure.

1. Statement of Salary account for 2nd Quarter of 1881.

Rec'd Sept 10/1881
M. Cridler

Dep. Sec. Acker — advises with C. P. King and his efforts to prevent the grant of the Telegraphic monopoly of the Chinese coast, — as inimical to our interests & contrary to our idea of the true interests of China.

No. 186. Copied in accordance with Mr. Angell's request of July 30-81 R.B. 191

Two Enclosures. Mr. Cridler Not

Legation of the United States.

Peking, July 16th, 1881.

DEPARTMENT OF STATE
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RECEIVED

James B. Angell to the Secretary of State.

PRINTED
FOREIGN RELATIONS
1881

Subject.

Danish Telegraph Company's Monopoly scheme.

Synopsis.

Reports further steps taken to prevent the monopoly being granted and forwards correspondence with the Yamen on the subject.

No. 185.

Department of the United States,
Paris, July 16, 1871.

Honorable James G. Blaine,
Secretary of State,

Sir:

On the morning of June
30th I received by your messenger
your cable dispatch informing me of the
arrival at the Elysee Telegraph
Company's office for transmission by cable
the following night to Secretary
Fish at Washington.

On the afternoon of that
day I had business at the Tuileries
Palace and learned that the
Ministers had received from Versailles
their answer to the
letter of inquiry which appeared

No. 186 ~~184~~.

Two Enclosures.

Legation of the United States.

Peking, July 16th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

On the morning of June 20th, I mailed to you my despatch No. 174. which informed you of the attempt of the Northern Telegraph Company to secure for twenty years the exclusive right to land telegraphic cables in China.

On the afternoon of that day I had business at the Foreign Office and learned that the Ministers had received from Li-Hung Chang an answer to the letter of inquiry which agreeably

to

to their promise to me, they had sent to him. They said they would send the answer to me, but they evidently preferred not to discuss the main subject, until I had read the Viceroy's letter. I therefore contented myself with again expressing the conviction that my Government would be most strongly opposed to the scheme.

Soon after I received a communication from Prince Kung, embodying evidently only a portion of the Viceroy's letter, I enclose a copy. 1082. The Viceroy's statements are somewhat obscure. He wishes to leave the impression that an agreement has not been drawn. But surely the paper which I enclosed in No. 174. is an agreement and I have no

(doubt

doubt of its genuineness. The Viceroy's words seem to indicate that he is perhaps conscious of having gone too fast and too far before consulting the Imperial Government. He would apparently have us understand that no promise has been made beyond that of the privilege of exclusive connection with the new land line from Shanghai to Tientsin. Yet at once and inconsistently he pleads the examples of France and Russia in making concessions as precedents for the monopoly proposed here. It is possible that by making extracts from his paper injustice has been done to it. But it does not seem frank and ingenuous as given to me.

For

For certain reasons and
especially for the reason that the
British and German Ministers were
conferring with the Ministers on the
subject, I delayed further discussion
upon the matter until July 18th.

I began my interview on that
day by saying that I found the Viceroy's
words somewhat obscure, and begged
the Ministers to inform me exactly what
is the request of the Telegraph Company.
With their usual reluctance to convey
information, until they see that you have
it, they said at first that they did not
know exactly, since the Viceroy had carried
on the business without consulting them.
But when I drew the Agreement from
my pocket and asked if it did not
distinctly forbid an American Company
to land a cable in China for twenty

years

years, they confessed that it did. They then asked me to repeat my objections to the plan, which I did at length. After a prolonged conversation, they said if I would send them my views in writing, they would send them to the Viceroy and ask him to modify the scheme in such a manner as not to preclude us from laying a cable. They assured me that they did not wish to give offense to the United States.

I do not report my remarks because the substance of them is found in the communication to Prince Kung, which in compliance with the request of the Ministers I have sent in. I enclose a copy. There were present at the interview Their Excellencies Mao, Wang, Ch'ung and Hsü.

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I have of course had to proceed entirely without instructions in this business, but trust my action may meet with the approval of the Department. I cannot venture to predict the result.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosures.

1. Prince Kung to Mr. Angell.
July 2nd, 1881.

2. Mr. Angell to Prince Kung.
#5/1881. July 18th 1881.

Informal.

Prince Kung to Mr. Angell.

July 2nd, 1881.

On the 13th June Your Excellency came to this office and spoke about an agreement having been entered into between the Great Northern Telegraph Company and the Viceroy Li by which the said Company were to enjoy a twenty years monopoly during which time no other Company would be allowed to land telegraph cables in China etc. etc.

This Office thereupon wrote to inquire of the Viceroy Li and an answer has been received from him in which he says – "According to "International Law among Western "nations, railways, telegraphs, etc, are "matters about which each nation can "do as it pleases, either the country "builds them itself or allows public "Companys to build them. The line of "telegraph which, last year, it was

proposed

"proposed to establish between Shanghai
"and Tientsin was designed with a view
"to having direct and rapid communication
"with the outside world, remembering
"this we cannot do otherwise than
"negotiate with the Great Northern
"Telegraph Company to connect our
"line with their cable. The said Company
"has done its utmost to assist us honestly
"in purchasing materials and hiring
"workmen to build this first line and
"has begged for (a similar understanding)
"like the terms of the agreement made
"between the Company and the Governments
"of France and Russia. There appears
"to be no reason why the request should not
"be granted. The Company have only begged
"me to grant their request, but have not
"asked that an agreement be drawn. I
"find nothing in all this that is
"contrary to International Law of Western
"nations, I herewith forward for your
"inspection translations of the agreements
"between the Great Northern Telegraph
"Company and the Government of France

(and

" and Russia. (It will be seen that) the agreement
" with Russia is for a period of 30. years
" and that with France for a period of 25.
" years. In this instance it is only for the
" Shanghai cable that a 20 years (monopoly)
" has been granted. It is not I who have
" made the precedent, etc.

It will be seen that in managing this business the Viceroy has made rules fixing a limitation in years, like what Russia and France have already done. It behoves us to send copies of the agreement between the Great Northern Telegraph Company and France and Russia for Your Excellency's inspection.

Mr. Angell to Prince Kung.
45/1881. July 16th, 1881.

Your Imperial Highness.

A few weeks ago I received a copy of an Agreement which the Northern Telegraph Company ask His Imperial Majesty's Government to make, forbidding any person or corporation except the Northern Company to land a telegraph cable anywhere in the Empire for a period of twenty years.

I have had three interviews with the Ministers of the Foreign Office on the subject, and have received from them one communication embodying certain statements of the Viceroy Li with whom the Company seem to have carried on their negotiations. The Ministers have now asked me to state in writing my objections to the proposed scheme, and I therefore submit this paper in compliance with their request.

The first two articles of the

Agreement

Agreement in my copy read as follows:—

"1st The Chinese Government guarantees to the Great Northern Telegraph Company exclusive monopoly of their submarine cables already landed in Chinese territory. Should the Company decide to land other cables in China, the permission of the Chinese Government must first be asked and obtained. Within a period of twenty years from date the Chinese Government will not allow any other person to land telegraph cables in the entire empire, including all foreign settlements and Formosa.

2. Within the same period of twenty years the Chinese Government will not construct or permit others to construct submarine cables or telegraph lines by land in opposition to any of the Company's cables in China. Where there is no competition with the interests of the Company the Chinese Government will build lines at their pleasure."

Now

Now in regard to these articles permit me to say.

I. I trust I shall not be deemed obtrusive if I express the opinion that the proposed arrangement is of very doubtful expediency for China herself, and for three reasons.

1. Although the United States have made earnest efforts to have ocean cables "neutralized" in case of war so that they shall not be disturbed, the efforts have not been successful. In case of war between some Western nation and Denmark or China, the Northern Company's lines might be destroyed, and China would lose telegraphic connection with the world. But if other lines are laid, China might through some one of them be able to keep up communication with her Ministers abroad and with all nations.

2. By the second article China cuts herself off from constructing land lines to Foochow, Canton, and other points in the South, which she may

(over

very much need, especially if the Northern cable is injured in war. China thus pays too high a price for the trifling advantage she gains of sending despatches free to her Ministers and Consuls.

3. All experience has shown that monopolies for long periods are subject to great abuses and tend to create much ill feeling. It is only in exceptional cases that it is found wise to grant them. I respectfully submit that the cases mentioned in the extracts from the Viceroy's letter are so different from this that they ought not to be considered as precedents for a request like that now made. The submarine line from France to Denmark cannot be practically a monopoly, because the countries are connected through Germany by land lines. The Russian concession was for a line in a very remote region, where the risk of loss was great, and where no company perhaps would venture to build a line without a guarantee

for

for a reasonable period that it should have an exclusive privilege

But surely the case is very different here where it is proposed to cut off the United States and even China herself from building lines, which may be in the highest degree important to China in order to guarantee returns to a Company which is understood to be already very richly remunerated by its business.

II. But speaking especially on behalf of the United States, I am certain that I cannot use too strong language to express the disappointment and regret, I had almost said the sense of injustice which my Government will feel if His Imperial Majesty's Government shall bind itself in such terms that no American Company can lay a cable within twenty years from our country to your shores, when a Danish Company is allowed an unrestricted privilege of telegraphic communication with Europe.

I have

Fifteen years ago, in 1866, Mr. Burlingame has recorded in our archives, the Ministers gave him a verbal permission for an American company to lay a cable along the coast. I cannot think that His Majesty's Government will now be less liberal in its policy.

Even if the Government think it wise to give the Northern Company the monopoly for the connection with Europe there seems no reason for forbidding a line from America, which can in no proper sense be considered as a competing line with the European. The messages to America do indeed have to be sent now by the Northern line. But the expense of sending by that line is so great that the business is only a small part of the entire business of the line and only a small part of what should be given to a direct line to America.

His Majesty's Government surely cannot forget that a considerable number of his subjects are now resident in the Sandwich Islands and many

(more

more in America. Moreover enterprising Chinese merchants are beginning to send steamships to America and to enlarge their business. Every year the commercial relations of the two nations are becoming more important. It is of the greatest consequence to the fostering of this commerce so useful to both nations that the largest facilities be afforded for postal and telegraphic intercourse both for individuals and for the Governments.

It must be known to Your Imperial Highness that the United States have long been engaged in making soundings to determine the best line for a telegraph across the Pacific Ocean. A great deal has already been expended in making the necessary investigations. It has never so much as occurred to our Government that his Majesty's Government would refuse to us the privilege granted to the Danish Company of landing the cable, if an American company should to the great advantage of both countries

(insert

incur the enormous expense of laying a line of probably more than 12,000 li. For such would be the length of a line laid from San Francisco to the Sandwich Islands, Japan, and Shanghai.

I must therefore most respectfully urge that no plan be adopted by His Imperial Majesty's Government which will prevent an American Company from landing a cable at Shanghai. I cannot too calmly and too emphatically make known to you in advance the force with which in my opinion my Government will remonstrate against so marked a discrimination in favor of the Danish Company to the exclusion of an American Company which may propose to lay a line where the Danish Company has never proposed to lay one, namely, between America and China. I trust therefore that whatever concessions are made to the Northern Telegraph Company His Imperial Majesty's Government will not in any way bind itself to forbid the landing of a cable from America or

the

the transmission of messages from such a cable over any of the inland lines, which may be constructed in China.

I am, &c.

(signed) James B. Angell.

File

Mr Crosby

No. 193. 187

Correct as in accordance with Mr. Angell's request. See his No. 191 of July 30.

Legation of the United States,
Peking, July 16th, 1881.

James B. Angell
to
the Secretary of State.

Subject

Commodore Shufeldt's visit.

Synopsis

The immediate prospect of securing a treaty with Corea has passed away. Reviews the situation of affairs in this connection. Commodore Shufeldt's services if sought, are likely to be sought by Li Hung Chang.

No. 172.

Legation of the United States,
Athens, July 15, 1871.

Reverdy Johnson, Esq.,
Minister, &c. &c. &c.

Sir:

I have received (confidential)
your instruction, dated January 21st
1871, directing me to inform the
Greek Government that the United
States desire to have special
duty discontinued on Greek products.

The Commercial Convention
with Greece of 1837 provides that
no other or higher duties shall be
imposed on the importation into
the United States of any article
the growth, produce or manufacture
of Greece, than are or shall be
payable on the like article the
growth, produce or manufacture
of any other foreign country.

No. 187
No. ~~183~~.

Legation of the United States
Peking, July 16th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

In your No. 94. (confidential) you informed me that Commodore Shufeldt U.S.N. was instructed to report to this Legation for special duty described in that despatch.

The Commodore arrived here on the 7th instant and remained as my guest till the 13th instant when he set out for Tientsin. I had the pleasure of presenting him to the Diplomatic Representatives here and also to Prince Kung and the Ministers of the Foreign Office.

He

He and I concur in the opinion that for the present at least he can best perform his duties by remaining chiefly at Tientsin and visiting the capital as occasion required.

I have through the winter watched as carefully as I could from here the course of events in Corea. I think that the situation is correctly described in Commodore Shufeldt's despatch of July 1st to you. If we had been ready to act say in November last, before the fear of a war between Russia and China was fully dispelled, it is very probable that we might have negotiated a treaty with Corea. I know that Li Hung Chang urged one of the Foreign Ministers here to go at

that

that time to Corea, assuring him that a treaty could then be made. While the King and several of the high officers of the realm are disposed to establish relations with foreign powers, a strong and violent party is acting in opposition.

I do not learn here any tidings of a purpose of the Duke of Genoa to revisit Corea this season. Nothing that I see in the legations here indicates the intention on the part of any of the Western Powers to press Corea for a treaty just now. They all seem to think that we are bent upon that work and for the present at least appear willing that we should do it,

(Knowing

knowing well that they would soon share in the advantages to be secured.

The resources of the country are not great. The inhabitants now consume some of our cotton goods, and would consume more, if we had regular access to them. The peninsula lies near the pathways of Eastern commerce and it is very desirable that some treaty provisions for the relief of shipwrecked mariners be secured. Or it is the only country upon the Asiatic seacoast to which access is denied, the whole world would rejoice to see it peacefully opened, and the United States may not improperly covet a glory kindred to that which she won by opening Japan.

Should

Should our Government decide to make a persistent effort to secure a treaty with Corea, it may well heed one lesson which the experience of the past winter has suggested. It is this. The Commissioner or Minister charged with the negotiation should have authority to seize on any auspicious moment which presents itself. Had any one been authorized to act in November last, it seems probable that he could have accomplished something. But in the lapse of time required to write home and receive a reply, the opportunity must have been lost.

What the present temper of the Chinese Government is on the Corean question is not known. After conference, Commodore Shufeldt

Shufeldt and I agreed that it was not yet time to approach them on the subject.

I note carefully your instructions concerning the conditions under which Commodore Shufeldt can be permitted to enter the Chinese navy.

I may say that it is extremely improbable that the Imperial Government will ask for his services, since that Government practically has nothing to do with the navy. The Viceroys and especially the Viceroy of Chihli and the Viceroy of Nanking, who are the Northern and Southern Superintendents of Trade, control the naval forces. If the Commodore's services are

sought

sought, they will in all probability be sought by Li-Hung-Chang.

I think it would be well for us, as it would certainly be fortunate for the Chinese, if an experienced and accomplished an American officer as Commodore Shufeldt should for a time occupy a commanding position in the Chinese navy.

I have the honor to be,

Sir,

Your obedient servant.

James B. Shufeldt

File.

Inclosure

No 188.

Legation of the United States.
Peking, July 19th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Telegram announcing the exchange of Ratifications.

Synopsis.

Forwards a duplicate copy of the above telegram.

No. 188.

Legation of the United States.
Peking, July 19th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I have this day sent to Consul General Denny for transmission by telegraph the following message.

"Peking, July 19.

Blaine. Secretary.
Washington.

Ratifications both Treaties exchanged today.

Angell"

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

File

Cable

Made

Blaine.
Secretary.
Washington.

Ratifications both treaties exchanged today.

Angell.
Peking.
Shanghai July 19. 1881.

Ref to Mr Frelinghuysen's Proclamation

made

No. 189. Seven Enclosures.

Legation of the United States.

Peking, July 20th 1881.

James B. Angell to the Secretary of State.

Subject.

The exchange of Ratifications of the Treaties.

Synopsis

Gives a detailed account of the exchange of ratifications, and refers to the publication of the Treaties.

Dec 1st 1851.

Legation of the United States
Geneva, Dec 1st 1851.

Reserve Ms Marcy
Secretary of State

Sir:

On the receiving of July 7th
Correspondence, Mr Gerolt received
Your note delivered to me the preceding
Thursday in which you kind given note
Were enclosed.

On the 8th instant I addressed
a note to Baron Rieny, informing
him that I had received the Treaty
and asking him to procure for me
Passports for the Ambassador Extraordinary
of the Swedish and the diplomatic
of Commissioners to exchange
ratifications.

No 189. Seven Enclosures.

Legation of the United States
Peking, July 20th, 1881.

Honorable James G. Blaine.
Secretary of State

Sir:—

On the evening of July 7th — Commodore Shufeldt, U. S. N. arrived here and delivered to me the ratified Treaties which you had given into his custody.

On the 8th instant I addressed
1/189 a note to Prince Kung, informing him that I had received the Treaties and asking him to memorialize the Throne for the Imperial ratification of the Treaties and the appointment of Commissioners to exchange — ratifications.

(He

He replied to me on the 12th instant informing me that His Majesty had empowered Their Excellencies Pao Chün and Li-Hung-Tsao, who were the Commissioners to negotiate the Treaties, to exchange the ratifications. The nineteenth of July was subsequently fixed for the exchange.

On that day I went to the Foreign Office and met nearly all the Ministers. The certificates, three in English and three in Chinese, and the ratified Treaties were duly exchanged.

You will observe in the certificates of exchange the interlineation of the words "of four Articles", descriptive of the Treaties. The Chinese had inserted three words in the Chinese form, and although I reiterated to

(them

them that the Treaties were sufficiently designated and defined in our English text, they were so strenuous on the point that I interlined the words.

When we came to the actual delivery of the ratified Treaties to each other, I was surprised to see that the copies (one of each Treaty) bearing the Imperial Seal, to be delivered to me, were the copies signed by us Commissioners and left with them. Naturally therefore they desired the copies in Chinese, signed by the Commissioners and belonging to the Legation, to be left with them. Otherwise they would have no Chinese text signed by any Representative of our Government. Our archives show

(that

that a similar difficulty arose in exchanging ratifications in 1859. and in 1869. As there is a Chinese copy of each Treaty in the Department, which can be returned to the Legation on receipt of the ratified copies. I deemed it wise to leave in their hands the Chinese copy of each Treaty belonging to the Legation. I received from them and now hold the Chinese copy of each Treaty bearing the Imperial Great Seal.

I enclose two copies of the certificate of exchange of each Treaty, one in English and one in Chinese. 3-6/189.

As you have given me no instructions concerning the mode of transmitting the ratified Treaties, I have thought it best

to

to retain them, until some trustworthy messenger sets out for Washington, or until you give some specific directions.

Meantime, as when these are sent home, there will be no authenticated copy in Chinese in the Legation, I respectfully suggest that the Chinese copy of each Treaty now in the Department be returned to the Legation after the reception of the copies bearing the Imperial Seal.

Deeming it desirable that in accordance with the usual custom the Treaties should be published in China for the information especially of our citizens, I drafted a Proclamation, a copy of which I enclose.

7/189.

I directed the Consul-
General to have two hundred-
copies of the Proclamation and
the Treaties printed and distributed
to the several Consular Officers-
with instructions to post one copy
at each Consular office and to
circulate the rest among our citizens.

I shall furnish a printed copy
of the Treaties to each of the foreign
Legations.

It gives me pleasure to say
that in conducting the exchange of
the negotiations the Imperial-
Commissioners and their associates
in the Yamen have shown the
same courtesy and promptness,-
which they evinced during the-
negotiation of the Treaties.

I trust that I have-

discharged

discharged the responsible duty laid upon me in a manner satisfactory to the Department.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosures.

1. Mr. Angell to Prince Kung — No. 42 July 8.-1881.
2. Prince Kung to Mr. Angell — No. 93. July 12-1881.
3/6. Four certificates of Ratification — two in English and two in Chinese.
7. Proclamation of Treaties.

42/1881.

Mr. Angell to Prince Kung

July 8th, 1881.

To His Imperial Highness Prince Kung—

I have the honor to inform Your Imperial Highness that the ratifications of the Treaties between the United States and China concluded and signed on November 17th 1880, have been brought to this city by an officer appointed by my Government.

I beg to request therefore that Your Imperial Highness will memorialize the Throne to the end that Commissioners may be appointed and a day fixed for exchanging the ratifications with me.

I am etc

(signed) James B. Angell

43/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

On the 11th instant this office memorialized the Throne, praying that His Majesty would deign to ratify the supplemental Treaties (concluded with the United States) by affixing thereto His Imperial Seal, and that Their Excellencies Pao Chün and Li Hung-Tsao be re-appointed to effect the exchange of ratifications. On the same day His Majesty deigned to pronounce His Imperial consent in the following words:—

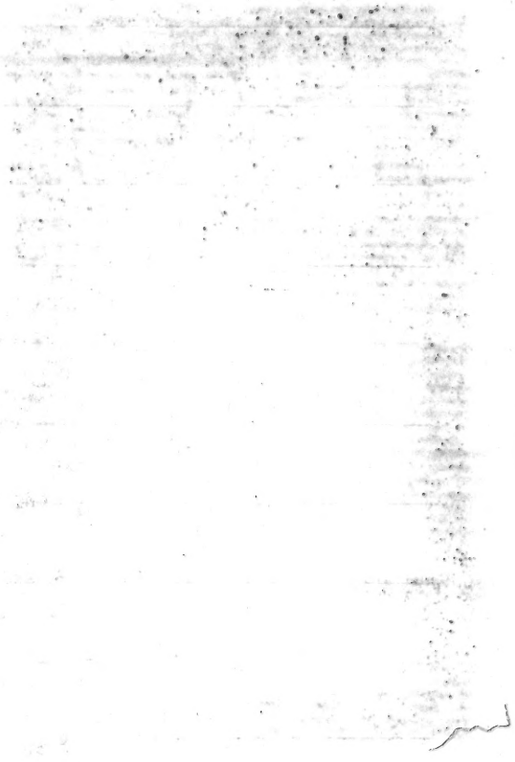
"Let it be as proposed".

When the Imperial Signet will have been affixed to the Treaties, we shall inform Your Excellency of the day when the exchange of ratifications can be effected, meantime we beg to communicate the foregoing facts for Your Excellency's information.

H

H. E. James B. Angell.
&c. &c. &c. &c.

Peking, July 12th, 1881.



大清國欽命總理各國事務武英殿大學士
兵部尚書全權大臣寶
李

大亞美理駕合衆國欽命駐劄中華便宜行事全權大臣安

為

公立憑單事案照兩國大臣於光緒六年十
西歷一千八百八十年十一月十五
十七

日所定變通整理嗣後華民前往美國之條約四款

彼此均奉

諭旨允准茲兩國大臣謹將所奉

大清國

大皇帝批准用寶條款憑據

大美國

大伯理璽天德批准用寶畫押條款憑據會同詳細校對

均係一律相符於光緒七年六月二十四日

七月十九日在中國

京都總理各國事務衙門彼此同時互換為此公立

憑單畫押蓋印以昭信守須至文憑者

大清

大清

大亞美理駕合衆國一千八百八十一年七月十九日

大清光緒七年六月二十四日

J. B. Bupell

立

大伯理璽天德批准用寶畫押條款憑據會同詳細校對均
係一律相符於光緒七年六月二十四日在中國京都
總理各國事務衙門彼此同時互換為此公立憑單畫
押蓋印以昭信守須至文憑者

大清國光緒七年六月二十四日

大亞美理駕合眾國一千八百八十一年七月十九日

J. B. Angell.

立

大清國欽命總理各國事務 武英殿大學士
兵部尚書 全權大臣 寶 李

為

大亞美理駕合眾國欽命駐劄中華便宜行事全權大臣安

公立憑單事案照兩國大臣於 光緒六年十月十五
日所定因兩國條約未備之處另立四款彼此均奉
諭旨允准茲兩國大臣謹將所奉

大皇帝批准用寶條款憑據

大清國

大美國

大伯理璽天德批准用寶畫押條款憑據會同詳細校對均

係一律相符於 光緒七年六月二十四
一千八百八十一年七月二十九日在中國京都

We the Undersigned James B. Angell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China; and Pao Chün and Li Hung-Tsao, Commissioners Plenipotentiary of His Majesty the Emperor of China, having met at the Foreign Office of His Majesty the Emperor of China for the purpose of exchanging the ratifications of the treaty between the United States and China for the modification of the existing treaties between the two countries by providing for the future regulation of Chinese immigration into the United States, signed at Peking on the seventeenth day of

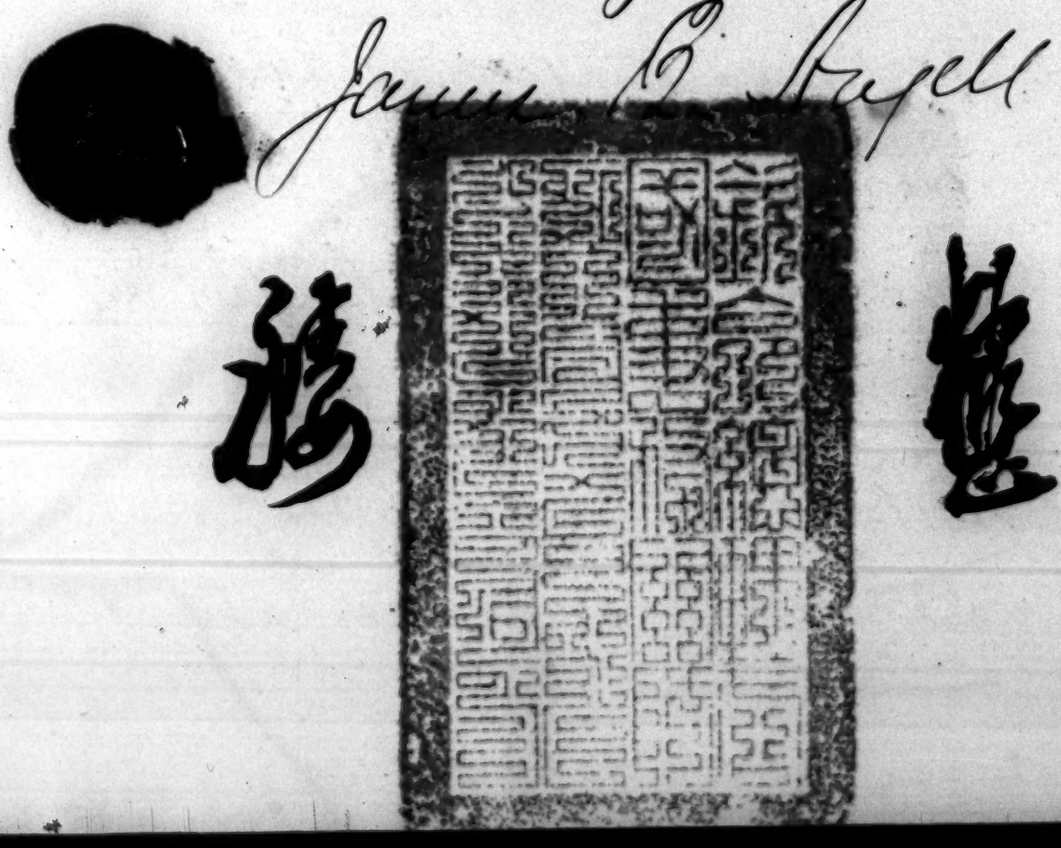
of November, 1880. Do hereby certify:

That after having carefully compared the respective ratifications each with the other and both with the original of said Treaty, the exchange was made by us, this day —

In witness whereof, we have signed the present certificate of exchange and have thereunto affixed our seals.

Done at Peking the nineteenth day of July, one thousand eight hundred and eighty-one.

James B. Angell



We the Undersigned James B. Angell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China; and Pao Chün and Li Hung Tsao, Commissioners Plenipotentiary of His Majesty the Emperor of China, having met at the Foreign Office of His Majesty the Emperor of China for the purpose of exchanging the ratifications of the supplemental treaty of four Articles between the United States and China for supplying certain points of incompleteness in the existing treaties between the two countries in the matter of commercial intercourse and of judicial

#50

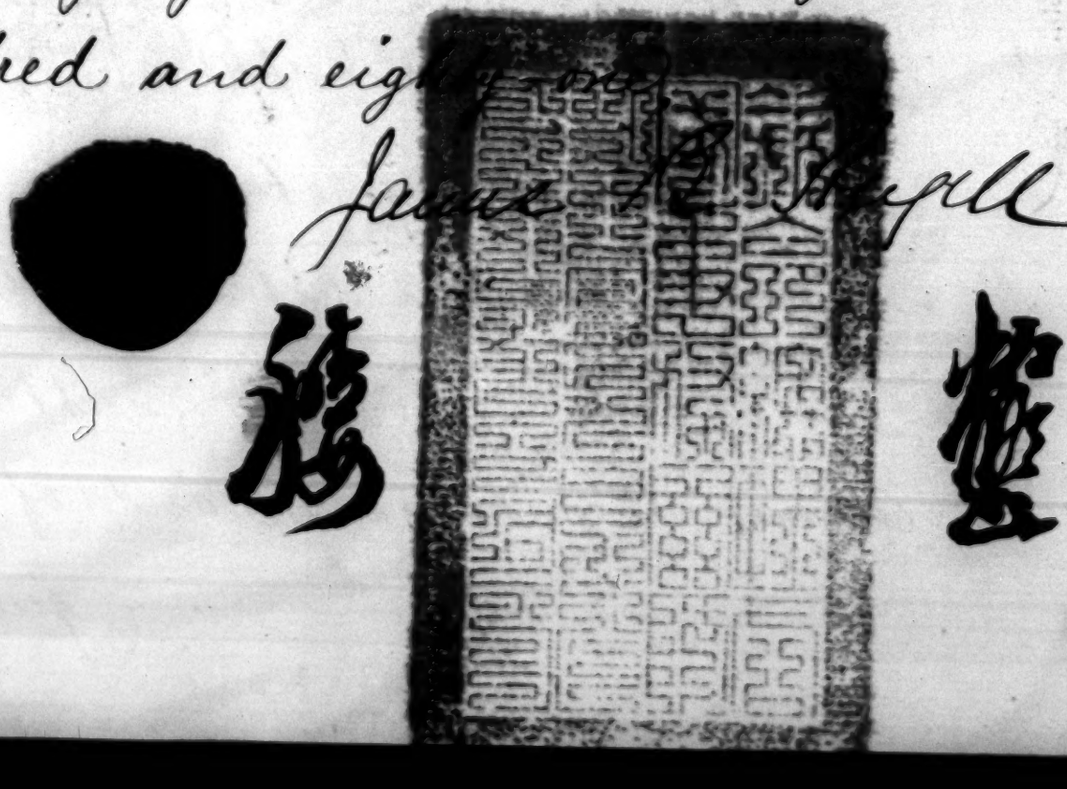
judicial procedure, signed at Peking on the seventeenth day of November, 1880, do hereby certify:

That after having carefully compared the respective ratifications each with the other, and both with the original of said Treaty, the exchange was made by us, this day —

In witness whereof, we have signed the present certificate of exchange and have thereunto affixed our seals.

Done at Peking, the nineteenth day of July, one thousand eight hundred and eighty-one.

James B. Angell

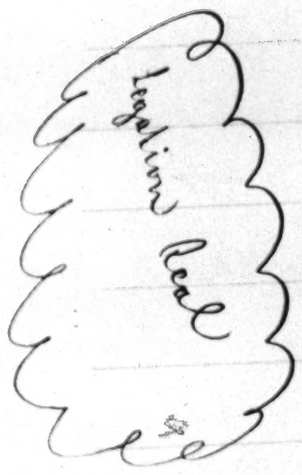


A Proclamation.

Whereas two Treaties between the United States of America and the Ta Tsing Empire were negotiated and signed by Commissioners Plenipotentiary of both nations at Peking on the 17th day of November 1880, and the two Treaties have been ratified by the President of the United States by and with the advice and consent of the Senate thereof; and by the Emperor of China; and the Ratifications have this day been duly exchanged; Therefore these two Treaties are now published for the information and guidance of all whom they may concern; and I hereby call upon all citizens of the United States residing in or visiting this Empire, to obey the stipulations and requirements of these Treaties and thereby to promote the friendly relations now existing between the two nations.

Given under my Hand and Seal of Office at the Legation

(of



of the United States in Peking, this nineteenth day of July, A. D. eighteen hundred and eighty one and of the Independence of the United States the one hundred and fifth.

(signed) James B. Angell.
Envoy Extraordinary and
Minister Plenipotentiary of the
United States.

Mr Cutler + Coe Morgan

No. _____

At the Office of the Legation of the U.S.-China

United States Consulate.

DEPARTMENT OF STATE SEP 3 1881 RECEIVED

Tientsin, July 23. 1881

Hon. James G. Blaine

Secretary of State,

Washington, D.C.

Sir,

I have the honor to inform the Dept that I have this day drawn upon it, at 15 Days sight for forty three 11/100 Dollars ($43.11) to the order of Chas L. Fisher Actg U.S. Consul at Tientsin - My Naval orders for transportation did not carry me beyond this point, while they specify that any expense connected with my duty in China will be paid by the Dept of State - I have the honor to enclose herewith bill approved by the U.S. Minister at Peking for the amount. I am Respectfully

Your Obt Servt

R.W. Shufeldt

Commdr U.S.N.

Ack. approving the course of Mr. Angell in the matter referred to in dispatch No. 190 of Oct. 6. 1881. Mr. Foster

Made

No. 190.

Two Enclosures.

Legation of the United States.
Peking, July 28th, 1881.

James B. Angell to
the Secretary of State.

PRINTED
FOREIGN RELATIONS
1881

Subject.

Purchase of land by foreigners at Canton.

Synopsis.

Forwards correspondence with the Vice Consul at Canton in reference to the District Magistrate's refusal to stamp a Deed for land purchased by an American citizen outside the city of Canton.

cf: 190. Time Reserved.

Department of the Pacific Division.

Sanitary, Presidio, 18 Feb 1851.

Memorandum Report & Plans.

Secretary of State.

Sir:

I have the honor to transmit herewith two memorandums relative to the Fire Hydrant Service now in progress, requesting the reference of a duplicate of the same to the Board of Fire Wardens of San Francisco for their information & guidance.

I have not received the Proceedings of the Fire Wardens Board (copy required) that the allegations pertaining to the Fire Service may be referred, that I may report upon the same to the Board of Fire

No. 190. Two Enclosures.

Legation of the United States.
Peking, July 28th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

I have the honor to submit to you some correspondence between Mr. Vice Consul Carrow and myself concerning the refusal of a district magistrate at Canton to stamp the deeds of two lots of land purchased by the Reverend C. F. Simmons for the Southern Baptist Mission.

You will observe by perusing the
1/190. Vice Consul's despatch (copy enclosed) that the Magistrate refuses to stamp the deeds because as he alleges, first, foreigners have no right to hold lands

(outside

outside the Foreign Concessions and
secondly, Mr. Simmons has no right
to buy for the Society.

Now it is notorious that the
missionaries have for years owned
and occupied estates outside the
Foreign Concession. It is also well
known that the clause inserted in
the 12th Article of the British Treaty
of Tientsin, 1858. authorizing the purchase
of property "in other places" than
the open ports was placed there with
special reference to the unreasonable
opposition which had been made at
Canton to securing convenient places
of business and residence.

It is also true, I believe,
that there is no shadow of any
ground in any Treaty for asserting
that Mr. Simmons may not buy

for

for his Missionary Society, if he can buy at all. This claim of the Magistrate probably arises from the fact that the French Roman Catholics, in order to secure real estate in the interior for missionary purposes, do purchase in the name of the society or church of Chinese converts.

This action of the District Magistrate does not wear a pleasant aspect. It may be simply the fruit of a superserviceable zeal of a new incumbent of the office. But there are some indications that the Authorities of Kwangtung are just now inclined to a rather reactionary policy in the treatment of foreigners. The Viceroy has shown a reluctance to accept the regulations concerning official intercourse. I

(have

have reason to believe that the Provincial Authorities have embarrassed the Roman Catholics not a little during the last few months.

I have deemed it our right under the Treaties and in every way expedient to instruct our Consular Officer to take a firm position. I enclose a copy of my despatch to him. 3/190.

Trusting my course may meet your approbation.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosures.

1. Mr. Carrow to Mr. Angell. No 16 July 5th 1881.

2. Mr. Angell to Mr. Carrow. No 27. July 27th 1881.

Mr. Carrow to Mr. Angell

No 16. July 5th, 1881.

Sir:

I have the honor to submit for your decision the following case.

Rev. E. Z. Simmons, an American missionary, acting for the American Southern Baptist Mission bought of two Chinamen (Wong Hoy Chow & Ngai Tai Shing) two lots of ground adjoining each other, on which to erect a dwelling house. These lots of ground are situated on the river side, outside the city walls and in the immediate neighborhood of other houses owned and occupied by Missionaries. The Deeds to this ground, this Office has forwarded to the Nam Hoi Magistrate, through H. E. the Viceroy for the magistrate's stamp and verification as is usual in such cases. He declines to stamp them for the following reasons.

"That Shameen the Foreign

Concession

"concession being the "open port of
"Canton" these lots are therefore in
" the interior and China's treaty with
" the United States does not allow
" Americans to buy land in the
" interior, That his predecessors in
" office have committed grave errors
" in stamping and verifying deeds to
" property which are now held by
" foreigners in different parts of the
" city.

" Even should foreigners have the
" right to buy property in Canton
" outside of Shameen he contends
" that these particular deeds are
" not proper ones for verification
" because the Reverend Simmon's name
" is mentioned in them and that
" they should read the Baptist
" Mission buys &c. instead of the
" Rev. Simmons buys for the American
" Baptist Mission, &c.

I have the honor therefore to submit to Your Excellency these two points, viz: Can Americans buy

property

property in Canton <u>without</u> ~~Shameen~~! In other words, what is to be considered the "open port of Canton".

<u>Second</u>. Are these deeds in proper form, and if not how should they be worded?

I may say that the Nam Hoi admits the parties selling the land are the lawful owners.

I am, etc.

(signed) J. Carrow.

Mr. Angell to Mr. Barrow.
No. 27. July 27th, 1881.

Sir,

I have the honor to acknowledge the receipt of your No. 16. in which you inform me that the Nam Hoi Magistrate declines to stamp the deeds of two lots of land purchased by the Rev. E. B. Simmons, an American citizen, acting for the American Southern Baptist Mission. These lots lie on the river, outside the city walls, but near to houses, which missionaries have been heretofore permitted to purchase and which they now occupy.

The Magistrate justifies his action on two grounds.

First, that the Treaties between the United States and China do not allow our citizens to buy land beyond the walls of the port of Canton.

Secondly, that even if this is not the right view of the Treaties, still Mr. Simmons has no right to buy in his own name for the Mission Society.

I

I cannot refrain from an expression of surprise that the Magistrate should suddenly depart from the example of his predecessors, when, so far as appears, the occupancy by other foreigners of the land, in the vicinity of which Mrs. Simmons has purchased, has wrought no harm to Chinese interests.

But furthermore his action is not sustained by the Treaties. Article XII. of the British Treaty of Tientsin, 1858. says,

"British subjects, whether at the ports or at other places, desiring to build or open houses, warehouses, churches, hospitals, or burial grounds, shall make their agreement for the land or buildings they require at the rates prevailing among the people, equitably, and without exaction on either side".

Article XXX. of our Treaty of Tientsin, 1858, gives us all the rights and privileges of other nations.

Now without desiring to give

to

to this expression "at other places" too wide a meaning, it is clear that it means something. I believe it is historically true that it was inserted by the British especially because of the restrictions to which foreigners had been subjected in obtaining land in Canton. Now when our citizens and other foreigners have under this Article been justly and peaceably occupying land just outside the walls of Canton for many years and the Authorities have by silence virtually admitted that such occupancy was lawful, we have a right to protest, as we must most vigorously, against such action as this of the Nam Hoi Magistrate.

But in the second place the Magistrate may be safely challenged to show a line or a word in any Treaty in support of his second point. If Mr. Simmons has, as I maintain he has, a right to purchase at all in the place described, he has a perfect

(right

right to buy for the society, or to buy in his own right, as he may choose. I cannot imagine on what ground the Magistrate can rest his argument. If this is the only alleged error in the form of the deeds, we cannot admit that it is an error.

You will therefore please communicate the substance of this despatch to the Magistrate and renew the request that the deeds be stamped, and in case the Magistrate persists in his refusal, you will carry the case to the Viceroy, and if necessary in the end send it up here again that it may be presented to the Tsung-li-Yamen

I am. etc.

(signed) James B. Angell.

Tra

Despatches changed as indicated herein.

No. 191.

Legation of the United States.
Peking, July 30th, 1881.

DEPARTMENT OF STATE
SEP 19 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

The Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches 98. 99. 100. & 101. and of Circular dated June 10th.

No 191.

Legation of the United States.
Peking, July 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your despatches numbered 98. 99. 100. and 101. and a Circular dated June 10th, containing inquiries from the Secretary of the Treasury.

My despatches to you dated July 16th were erroneously numbered 182. and 183., they should be 186. and 187. I should feel obliged to you to have the correction made.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

3 Col mss 1/2

No. 192.

One Enclosure.

Legation of the United States.
Peking, July 30th, 1881.

DEPARTMENT OF STATE
SEP 19 1881
RECEIVED

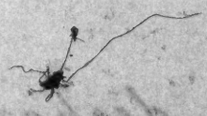
James B. Angell to the Secretary of State.

Subject.

Mr. Angell's Salary Account.

Synopsis.

Forwards a duplicate statement of the above Account for the second quarter of 1881.



No. 192. One Enclosure.

Legation of the United States.
Peking, July 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

Referring to my despatch No. 183. I have the honor to forward a duplicate statement of my account for salary for the second quarter of the current year.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosure.

1. Duplicate statement of Salary Account for the second quarter of 1881.

No 193. One Enclosure.

Legation of the United States.
Peking, July 30th, 1881.

DEPARTMENT OF STATE
SEP 19 1881
RECEIVED

James B. Angell. to
the Secretary of State.

Subject.

Legation Rent Account.

Synopsis.

Forwards a duplicate statement of the above account for the second Quarter of 1881

No. 193. One Enclosure.

Legation of the United States.
Peking, July 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

Referring to my despatch No. 184, I now have the honor to forward a duplicate statement of the Legation Rent account for the second quarter of 1881.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

Enclosure.

1. Duplicate statement of Legation Rent Account for the second quarter 1881.

3 Col Mercy

No 194. One Enclosure,

Legation of the United States.
Peking, July 30th, 1881.

DEPARTMENT OF STATE
SEP 19 1881
RECEIVED

James B. Angell to
the Secretary of State,

Subject.
Incidental Expense Account.

Synopsis.
Forwards a duplicate statement of the above Account for the 2nd Quarter of 1881.

No. 194. One Enclosure.

Legation of the United States.
Peking, July 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

Referring to my despatch No. 185. I now have the honor to forward a duplicate statement of the Incidental Expense account of the Legation which it contained.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

Enclosure.

1. Duplicate statement of Incidental Expense account for the 2nd Quarter

(Trade)

No. 195.

Legation of the United States.
Peking, July 30th, 1881.

James B. Angell to
the Secretary of State,

Subject.

Receipt of Circular.

Synopsis.

Acknowledges the receipt of Circular announcing the appointment of Assistant Secretary of State.

No 195.

Legation of the United States,
Peking, July 30th, 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your Circular, dated June 1st, announcing the appointment of Mr. Robert R. Hitt as Assistant Secretary of State and his entrance upon the duties of his office.

I have the honor to be,
Sir,
Your obedient servant.

James B. Angell

7

File

No. 745 Main Street
Hartford Ct. August 15th 4. 1881.

Chester Holcombe to
the Secretary of State.

Subject.
Return to post of duty.

Synopsis.
Mr. Holcombe informs the
Department that he is
setting out to return to
Peking.

No. 745 Main Street
Hartford, Ct. August 15th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

I have the honor to inform you that, my leave of absence having expired, I am to day setting out on my return to my post of duty at Peking.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

File

No 196.

Legation of the United States
Peking, August 15th, 1881.

James B. Angell to
the Secretary of State.

Subject.

The Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches Nos 102. 103.
104. 105. 106. and 107.

No. 196.

Legation of the United States
Peking, August 15th, 1881.

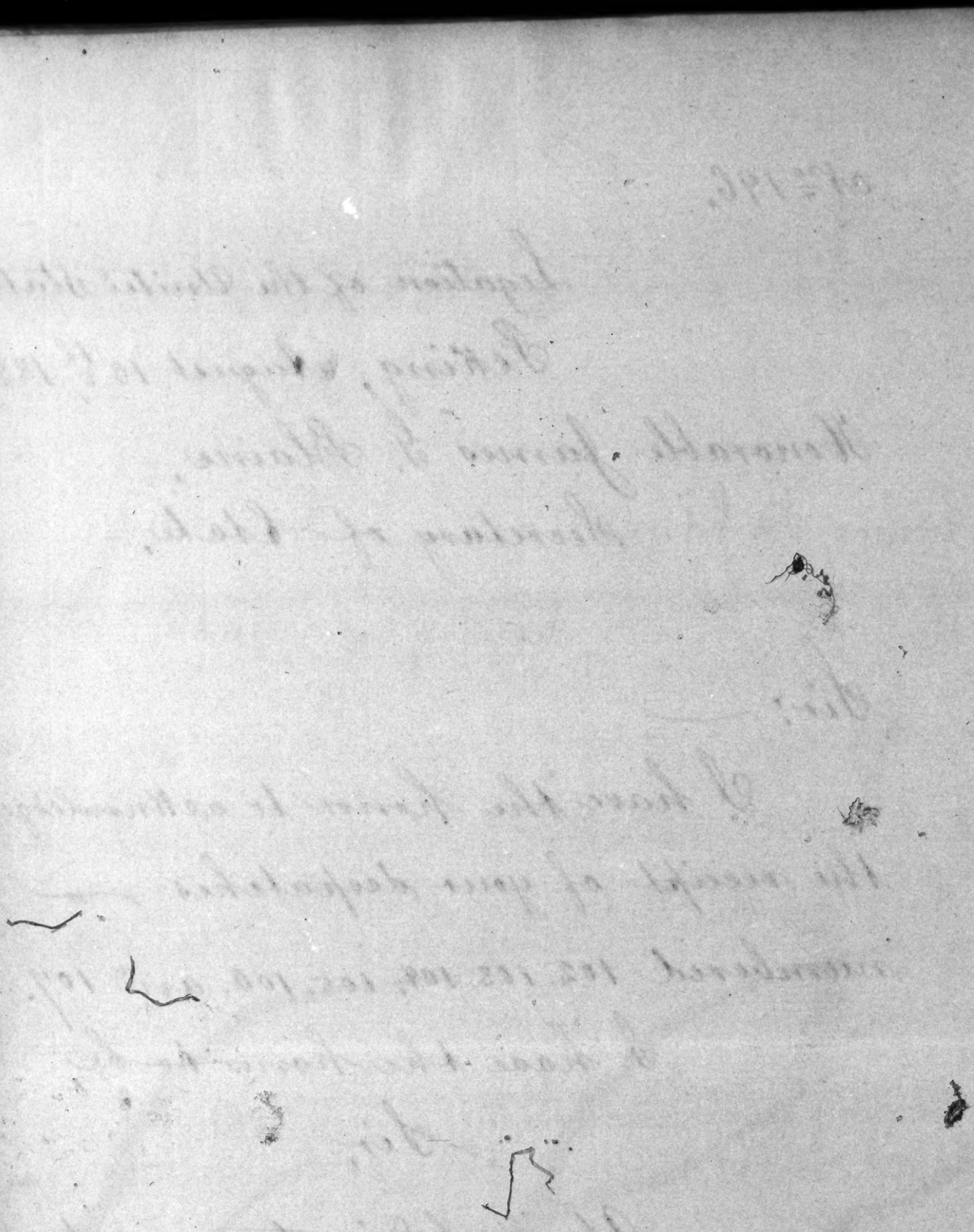
Honorable James G. Blaine,
Secretary of State,

Sir:—

I have the honor to acknowledge the receipt of your despatches — numbered 102, 103, 104, 105, 106, and 107.

I have the honor to be,
Sir,
Your obedient servant,

James B. Angell.



ch. To be used in report on this quarter

No 197.

Copy to Treasury Nov. 28, 1881. Mr. Airth

WR

Made

Legation of the United States
Peking, August 15th, 1881.

DEPARTMENT OF STATE
OCT 3 1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.

Circular on Monetary statistics.

Synopsis.

Replies to the Circular that there no means for obtaining information in regard to the movements of the precious metals in China.

No. 1917.

Legation of the United States,
Peking, October 15, 1891.

Mr. Foster,
Secretary of State.

Sir:

In response to certain interrogatories raised at the instance of the Secretary of the Treasury upon the 10th inst., I have the honor to inform you as follows:

The Chinese Government collects no statistics in regard to the number of the foreign residents in this Empire. It is impossible for any other Power to collect them. The Foreign Customs does

No. 197.

Legation of the United States
Peking, August 15th, 1881.

Honorable James G. Blaine
Secretary of State.

Sir:—

In response to certain — interrogatories which at the instance of the Secretary of the Treasury you sent to me June 10th last, I — regret to say that there are no — means for obtaining the information desired.

The Chinese Government — collects no statistics to show the movements of the precious metals in this Empire. It is impossible for any other agency to collect them. The Foreign Customs has made an

attempt

attempt to ascertain the transfers of gold and silver from one port to another. But the Inspector General, Mr. Hart, informs me that they are so incomplete that no value is to be attached to them.

I have the honor to be,

Sir,

Your obedient servant.

James R. Snyder

Ack. to approve course WB

Made

No 198. Jacket reopened Nov 28. 1881 per Carter

Two Enclosures.

Legation of the United States.

Peking, August 15th, 1881.

DEPARTMENT OF STATE
OCT 3 1881
RECEIVED

James B. Angell to the Secretary of State,

MINTED FOREIGN RELATIONS 1881

Subject.

Depredations at Teng-Chow-fu.

Synopsis.

Reports the annoyances which American missionaries resident at Teng Chow fu have suffered by petty depredations upon their property, and the steps taken to obtain satisfaction.

No. 1177.

Department of the United States,
Beijing, August 15, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:

During the years I have had some reports of badly deformed women who frequently professed missionaries as their object for visiting China. What the missionary motive was in every case I have investigated, has not been sufficient reason that the true principles of Christianity could be brought to bear upon the Chinese mind.

No. 198. Two Enclosures.

Legation of the United States.
Peking, August 15th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

During the year I have had some reports of petty depredations upon the property of American missionaries at Teng Chow fu in the province of Shantung. But the missionary, who has given me the information, has not been without hope that the local magistrates could be brought to administer justice without being warned by the Imperial Authorities.

But this hope proving vain

vain, another of the missionaries
Rev. Charles R. Mills, sent me
a formal communication reciting
in detail the depredations which
had been committed and invoking
my assistance. The substance of
his letter is given in a communication
which I at once addressed to Prince 1/98.
Kung asking him to urge the local
authorities to punish the thieves, to
secure the return of the value of
the property taken or destroyed,
and to guard more vigilantly against
depredations in the future.

I enclose a copy of the Prince's 2/98
reply, in which he assures me that
instructions have been given to the
local authorities in compliance with
my request, and also of a later 3/98
communication

communication from him, embodying a report from the Taotai of Teng-Lai-Ching.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell,

Enclosures.

1. Mr. Angell to Prince Kung—

2. Prince Kung to Mr. Angell.

3 Prince Kung to Mr. Angell.

94/1881.

Mr. Angell to Prince Kung.

July 14th, 1881.

I have from time to time heard from American missionaries resident at Teng Chow fu in Shantung of injury done to their property by lawless persons and of their inability to get justice done by the magistrates to the guilty parties. But I have refrained from troubling you about the matters in the hope that the local authorities would in the end take proper action. But as they seem to be inefficient, I am constrained to write you.

According to a statement sent me by the Rev. Mr. Mills the following facts appear.

For several years one of the missionaries has lost by thefts articles, especially clothes and a clock from the buildings connected with his school

school. An American lady residing on East street has had $80. in copper cash stolen from her house. In the winter of 1879-80. the house of one of our missionaries was set on fire in the night by robbers who were trying to force an iron safe. About twenty dollars worth of clothing was then consumed. In all these cases application was made to the local authorities for redress but in vain.

In January last thieves entered the missionary church and took two clocks, valued at $18. two lamps worth $4. and an organ cover valued at $1.

The total value of the articles taken in these depredations so far as it can be correctly estimated is $73.

About April 1st Mr. Mills sent to the Prefect a statement, a copy of which I enclose. He promised to urge the District Magistrate to do his duty and secure the restoration of the property. But so far as known he has done nothing.

May

May I ask you to urge upon the local authorities to punish the thieves, to secure the return of the value of property taken, and to guard more vigilantly against such depredations in the future?

I am, etc,

(signed) James B. Angell.

46/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive Your Excellency's despatch of July 14th reporting cases of robberies from American Missionaries at Teng Chow fu in Shantung. You give an estimate of the value of the stolen goods, and enclose a copy of the Missionaries petition to the Prefect, and you request me to order the local authorities to take rigorous steps for the arrest of the thieves, and to guard more vigilantly against such depredations in the future.

This Office has sent a copy of your communication to the Governor of Shantung requesting him to instruct the local officers to inquire carefully into these cases of robbery, to arrest the robbers and recover the stolen

stolen property. Pending the receipt of a reply to our communication when we will again write you, we send this despatch for Your Excellency's information.

H. E. James B. Angell
etc. etc. etc. etc.

Peking, July 22nd, 1881.

51/1881

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

Referring to Your Excellency's despatch anent the depredations committed upon the property of Missionaries at Teng Chow fu, We have further to state that we have received a representation from the Taotai of Teng Lai Ching in which he says:—
"The District-Magistrate had informed
"me sometime since that the Rev. Messrs
"Olherry and Mateer had complained of
"robberies from their premises. I ordered
"him (the Magistrate) to send detectives
"after the thieves, but many days elapsed
"and they were not apprehended, nor
"was the property recovered. Having
"now received the Yamen's despatch,
"I have again ordered the Magistrate
"to take up these cases, and make
"rigorous search for the culprits, appointing
"a time within which they are to be
"apprehended and dealt with".

(We

We send the purport of the Taotai's despatch for Your Excellency's information.

H. E. James B. Angell,
etc. etc. etc etc.

Pekin, August 10th, 1881.

Ack. Mr. Angell may be trusted to protect missionaries or in his absence Mr. Holcombe and at the great distance the matter must be left to discretion of Minister C.B.

No 199. Five Enclosures.

Received Nov. 23. 1881 Mail Letter

DEPARTMENT OF STATE OCT 3 1881 RECEIVED

Legation of the United States.

Peking, August 18th, 1881.

James B. Angell to the Secretary of State.

PRINTED FOREIGN RELATIONS 1881

Subject.

Attack on American Mission at Tai-Nan-fu.

Synopsis.

Reports an attack made upon the American mission stationed at Tai-nan-fu, and forwards correspondence relating thereto.

No. 199. Enclosures.

Legation of the United States.
Peking, August 18th, 1884.

Honorable James G. Blaine.
Secretary of State.

Sir:—

I regret to have to report a somewhat serious disturbance of the work of American Presbyterian missionaries in Tsi nan fu, the capital of the province of Shantung. The interior of a building which they had purchased and were fitting for use as a chapel was destroyed by a mob and the lives of the missionaries and their families were threatened. Happily the intervention of the authorities, though apparently somewhat tardy,

(soon

soon secured safety from personal danger.

I first received information of the principal facts through Mr. Vice Consul Fisher of Tientsin late in the afternoon of July 29th. He had received them through Rev. Mr. Pilcher, an American missionary at Tientsin, to whom a Chinese messenger had come from the missionaries at Tsinan fu. A little later on the same day I received a letter from the missionaries themselves, Rev. John Murray and Rev. Stephen A. Hunter M. D. reciting the facts in detail and submitting to me certain questions, which they wished me to answer for their guidance. I enclose a copy. 1/199.

On the next day I hastened

(to

to address a communication to Prince

2/199. Kung, ~~an extract from~~ which I enclose.

As is usually the case, this disturbance was fomented by the literati and gentry. Although the missionaries say they have no complaint to make of the Taotai, I have called Prince Kung's attention to what I deem his delinquency. He could certainly have prevented the tumult with the same force which he used to suppress it.

The missionaries ~~though~~ young men seem to have acted with much discretion.

The first of the four questions presented by them to me raises one of the most delicate points in the relation of missionaries to the

Government

Government, namely, by what right o
do foreigners hold real property
in the interior. I think the answer 3/199.
I have given is the correct one.

In respect to the fourth
question as to the right of demanding
the release of the Chinaman, who
had acted as intermediary in
procuring the property, I did not
see that anything could be asked
under article XXIX of our Treaty
of Tientsin, since it does not
appear that he was punished for
his Christian faith. On the other
hand as we have no treaty right
to acquire property in Tsi nan fu,
we could hardly intercede with a
demand for his release on the ground
that the authorities were obstructing
our citizens in the exercise of a right
(guaranteed

guaranteed by Treaty, as we have felt justified in doing when Chinamen have been punished for leasing or selling us lands in an open port.

I have received a reply from Prince Kung, in which after quoting my despatch at length, he says, —

"We have sent the purport of it to the Governor of Shantung — directing him to order his subordinates to take up the case and deal with it justly."

I at once informed the missionaries of the nature of the Prince's communication.

Meantime the missionaries wrote me again on August 6th, giving some further particulars of the situation. I enclose a copy

4/199.

of

of their letter and also of my reply. 5/199.

On the 16th instant I conferred with the Foreign Office on this disturbance. I gave them the names of the two principal instigators of the mob, and urged that the missionaries ought to be allowed to have an eligible site on the main street. They said, what I have no doubt is true, that the location of the Chapel by the side of the Examination Hall was calculated to excite opposition, but they added that the Governor was desirous of reaching a peaceful adjustment of the difficulties.

I think there is reason to hope that the missionaries will have no further serious trouble, though possibly they may not

(secure

secure premises exactly in the location which they would prefer.

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell.

Enclosures.

1, Messrs Murray & Hunter to Mr. Angell.

2, Mr. Angell to Messrs Murray & Hunter

3. Mr. Angell to Prince King

4. Messrs Murray & Hunter to Mr. Angell.

5. Mr. Angell to Messrs Murray & Hunter

To the Honorable James B. Angell,
United States Minister to the Court of China.

We the Missionaries in Chi nan fu,
Capital of Shantung Province being citizens
of the United States and having the usual
passports desire to make a statement of
certain difficulties, which have arisen from
the purchase of property in this city.
The main facts are the following:—
1st. A property suitable for a chapel was
bought on the main street of the city,
during the month of January, 1881.
2nd " Peaceable possession of the same
was given during the month of May
and the buildings put under contract
for repairs.
3rd Upon the 13th of July the house
was attacked by a mob led by the teachers
or sien shangs from the Shu Yuan
Ya Men, and remained in the hands
of the populace until taken possession
of by a body of soldiers from the Yamen.

(4th

4th The property has been given up by us upon condition that the Authorities furnish us a suitable location elsewhere.

5th The public excitement and popular outbreak has caused our lives and that of the native Christians to be placed in imminent danger.

Therefore, we now present the whole case to you, our national Representative, and ask for advice and direction concerning the proposed change of property, and, if need be, also, for protection of our lives and persons.

In order that you may be able more perfectly to understand the whole matter, we herewith subjoin a statement in detail of all the circumstances connected with this difficulty.

During the autumn of 1880. Rev. J. S. McIlvaine, a former member of this Mission, but now deceased, entered into negotiation on behalf of the Mission for the purchase of the aforesaid property. This property is one of the most eligible positions in the whole city for our purpose,

(being

being upon the West end of the Main street, near our former rented chapel and connected with all our former work. It is situated by the side of the "Shu Yuan Yamen" and the ground is said to have formerly belonged to the same. The purchase price agreed upon was Taels 3750.$\frac{00}{00}$. On the 19th of January, 1881, the sum of Taels 3100 having been paid the titles were transferred, the balance to be paid upon possession.

Owing to the difficulties in the way of a foreigner purchasing property in the interior, one of our Church members Liu-Yü-Ting by name, agreed to purchase the property in his own right, and afterwards deed it to the Church. The title which the former owner Tsiao Tung Hing made to Liu Yü Ting was duly signed, witnessed, and attested by the customary feast, Liu-Yü Ting upon his part made a title to the church for public use. But this, one of the neighbors refused to sign and it was held by us simply as an evidence against the exclusive ownership of Liu Yü Ting. This title however does

(not

not properly form a part of the present case as Liu Yü Ting does not deny his Trusteeship.

The old titles furnished us extend over a period of eighty years, and the property is commonly reported to have had consecutive owners for two centuries. None of the titles however have the usual red stamp upon them as the property is "wei liang ti." Whether the same distinction obtains in other provinces or not is unknown to us, but as ordinarily explained, it has reference to certain lands the owners of which were favored by the present dynasty upon its accession to the Throne, and the lands were subjected only to a nominal tax. Much land is so held in this city. The owners names are registered in the Ch'eng Shou Ying Ts'an Fu, and each owner receives a yearly tax receipt with the official stamp, upon payment of dues. When the property was bought the name of Liu Yü T'ing was registered as its present owner, and upon payment of tax the usual receipt was given.

It is now claimed that these deeds

are

are false, but the subsequent offer of the Authorities to furnish us another location is a virtual concession that our title is valid.

We were put in peaceable possession of the property on the 19th of May and entered into a contract for certain repairs for which we were to pay the sum of 1.300.000. small cash and the carpenters to have the old material. The value of which was rated at 200.000. small cash (the whole sum being about $700. of our money). The building was to be repaired according to native plans and style of architecture and every effort was made to avoid collision with the people. The repairing proceeded in peace for about three weeks. On the 12th of July we were informed by friends that on the following day an attack would be made upon the building and the workmen stopped. Having received this information we proceeded to the Taotai's Yamen and asked for a Proclamation to preserve peace.

The officer assured us that he would

(Keep

keep the peace and that no trouble should occur. The next day, 13th, we ourselves ordered the workmen to cease in apprehension of difficulty. About 9. oclock A. M. the house was attacked by a mob led by the sien shangs from the Shu Yuan.

The Taotai was at that time in the Shu Yuan counselling with the officers and we are informed that the teachers acted in defiance of the orders of their superior. After the teachers left the building it was in the hands of the mob, who severely beat one of the head workmen and destroyed everything moveable, carrying off money, valuable papers, &c. Late in the day the property was taken possession of by the soldiery.

During the same day, our Christian Lin Yü Ting was taken to the Fu Yamen, beaten and cast into prison, where he still remains despite our earnest endeavors for his release.

Late

Late in the day we sought an interview with the Governor but were not able to obtain it. On the morning of the 14th we saw the Governor in presence of four other officials, whom, it seems he had invited to hear the case. After a lengthy consultation, we agreed to give up the house we had purchased, upon condition we were furnished another on the west end of the main street. This they refused to promise, offering to refund us the purchased price and damages. They also offered to assist us in buying a house whenever we could find one. These terms we would not accede to, but demanded another house in exchange. This they would not promise to furnish, saying they would consider the matter and give us word. But the Governor promised to issue a Proclamation affording us protection and ordered the Fiji Officer not to beat or further oppress our Christian now in confinement.

On the evening of the same day the Proclamation was sent us

us, but it was not satisfactory, as it only quoted the words of the treaty and made no mention whatever to the present circumstances. We returned it through the Taotai and the next day, 15th, it was again sent us, this time in a more satisfactory form.

It was posted upon the gates of the city and upon our dwellings.

On the 16th the talk on the streets was alarming. The death of all the foreigners and native Christians was threatened and the 17th was said to be the day on which it was to be carried into execution. A notice had been previously posted in public places calling the scholars of the Province together upon that day to confer concerning the property we had bought. And the lower classes talking this for a threat were ripe for a mob.

In the evening of the same day we informed the Taotai of this increasing turbulence and asked for Soldiers to guard our premises. This was promised. Upon the morning of the 17th our position was

apparently

apparently critical. No soldiers had yet arrived, and relying upon our passports in the early dawn, we took protection in the Taotai's Yamen. The authorities then took precautions to avoid an outbreak, and in the evening of the same day, we returned to our homes.

Since that time the city has been quieter, and the Taotai and other officials invited by the Governor to hear the case have held several consultations at which we have been present and they have promised to furnish us another location and make good all our losses. But they insist that it is impossible to find a place upon the main street.

We are willing to concede much for the sake of peace, but we are not willing to be put in a corner. A chapel for daily preaching would be of little use unless upon the main street, west of the center of the city. And as the purpose of Mr. & Mrs. Blodine, the original donor of the purchase money, was to have a street chapel, we have

no

no right to accept of any location unsuitable for such a purpose.

We have no complaint to make against the officials, as the Governor and Taotai seem well disposed towards us. But it has been a difficult case for them to manage, because the scholars have disregarded their authority, and they cannot be dealt with as the lower classes. We only fear that we will be trifled with from day to day and this matter for an indefinite period remain unsettled. Therefore we have presented the whole case to you and await your advice and direction.

We would especially ask for information concerning the following points.

1st. Have we or not a right to demand a home upon the main street, west end, when we are giving up the best location upon that street and the best in the whole city for our work?

2nd. In case a home is offered us at an exorbitant price, what remedy

have

have we to avoid imposition except refusing to take the place!

3rd " Is the name of the Presbyterian Church, which is used in the former deed, "Chang lao hui yeh su chiao tang" a sufficient title to enable foreigners as well as natives to control the property!

4th " Have we or not grounds for demanding the release of Liu Yü t'ing our native Christian, inasmuch as he only acted for the church in buying the property!

In regard to these and any other points, which seem to you to arise out of this case, we respectfully ask and await your advice.

Hoping that the whole matter may be brought to a peaceful and satisfactory conclusion through your kind intervention,

We have the honor to remain,

Yours respectfully

signed { John Murray
Stephen Hunter

Chi nan fu, Shantung.
July 20th, 1881.

Mr. Angell to Messrs Murray and Hunte

No 21/1881. July 30th, 1881.

Gentlemen,

Your communication of the 20th instant reached me last evening. It is with deep sympathy and with great regret that I hear of the violent interference with your missionary work. But I am relieved to learn from you that you and your families are probably safe from personal harm. The attitude of the Governor furnishes assurance of your safety. An hour before I received your letter, I had heard from Rev. Mr. Pilcher through our Consul at Tientsin that perhaps your lives were in peril.

You do not state what is the alleged objection to your occupancy of the premises you had secured. But from what I have heard of similar disturbances I presume that your proximity to the Shu Yuan was offensive to those who wished to make you trouble. I am satisfied that it is generally advisable to choose for missionary work, especially in a city where there is any

Spirit

spirit of opposition to missionary Labor a site not too near any important official residence. The choice of a site near a Yamen is pleaded as an excuse, if it is not the real reason, for insisting on a change of place.

I am not sufficiently familiar with the laws and usages in Shantung to decide whether there is any technical flaw in the deeds. But the presumption is that they are valid, since the authorities seem to recognize your title to the property by offering to compensate you for it with money or with other land.

Your course during the trouble seems to me to have been very judicious. I am glad that you did not leave the city and also that you promptly offered to exchange your premises for some other eligible site. You showed courage in insisting on your right to remain and a proper spirit of conciliation in respect to the property.

You request me to give for your guidance answers to four questions.

(1

"1st. Have we or not a right to demand a house upon the Main street West End. &c."

It must be confessed that we have very slender ground, if any, for demanding permission to purchase real property at any interior city like Chi-nan-fu. The British Treaty of 1858, Article 12. does indeed read thus.

"British subjects whether at the "ports or at other places desiring to build "or open houses, warehouses, churches, "hospitals, or burial grounds, shall "make their agreement for the land "or buildings they require at the rate "prevailing among the people, equitably "and without exaction on either side".

But that phrase "or at other places" was inserted with reference to situations contiguous to the ports and has been so interpreted.

Our Missionaries have been allowed to acquire property in the interior rather on sufferance than by right. They have now so long been indulged

indulged that we can make the indulgence
a ground for remonstrating against the
discontinuance of it, but it is wise
for us to proceed with much caution
and delicacy. I think we have strictly
speaking no treaty right to demand
a site as our own any where in
Chi nan fu. But from these facts,
namely, that in nearly all parts of the
Empire, Missionaries are allowed to
procure property; that you and your
associates have been so long in your
city without giving cause of complaint;
that you were allowed without any
remonstrance to purchase the property on
Main street and pay 3100 taels, you have
strong ground for insisting and you may
properly insist with firmness that if your
premises are taken from you some other
eligible site shall be secured to you. I
advise you to stand for that until it is
clear that you cannot succeed and at any
rate until the Governor shall have heard
from Prince Kung and the Tsung li Yamen,
whom I shall at once address on the whole
matter

matter. When I receive an answer from Prince Kung, I shall inform you immediately. He will probably answer me and write to the Governor within ten or twelve days.

If all efforts to secure a site where you wish it fail, I would counsel you to take an inferior site rather than leave the city. We may expect that after a time this violence will abate and you can then improve your situation.

2nd In answer to your second question I should say your only remedy against taking a house at an exorbitant price is to refuse it.

3rd In response to your third question I have to say that I suppose the term Presbyterian Church as used by you can only mean in law the Presbyterian Board of Missions. In that case I suppose you missionaries, who are its only agents here, must control its property.

4th In answer to the question whether you have the right to demand the release of Liu Yü T'ing, the native Christian, who acted for the church, I reply, that you

cannot

cannot

demand it, You can as his friends request it, and even urge it, I know of no ground upon which you can do more.

You will have need of patience, But I trust your troubles may be ended without too much delay. You may be assured that this Legation will do all in its power to assist you.

I am, etc,

(signed) James B. Angell

47/1881.

Mr. Angell to Prince Kung.
August 2nd, 1881.

To H. I. H. Prince Kung.

(After reciting the facts and quoting largely from Messrs Murray and Hunter's letter, the despatch proceeds) × × × × × × ×

I have never heard that any complaint was made against our missionaries in Tsi nan fu. You will agree with me, I think, that they have showed a proper spirit of conciliation in consenting promptly to make an exchange of their property for some other eligible site.

It is hard that men of such a spirit should be so maltreated. I cannot think the Taotai was as efficient as he should have been. When warned in advance that an attack was to be made upon the building, he did not make proper preparation to prevent it, and

(when

when the attack was begun in the morning it was not until late in the afternoon that the soldiers were called out to suppress the mob.

As to the mob and the leaders of it, I trust that Your Highness will urge the Governor, to punish the guilty parties.

Furthermore, it seems to me only fair that these peaceable missionaries who have so readily agreed to abandon their chosen site in order to prevent trouble should be met in the same spirit and allowed to have some good position. It is hardly to be credited that on a street nearly two li in length no place can be found for them. I trust the Authorities may assist them to find some site on the West End of the main street.

Finally, while now as always it is only with great delicacy that I refer to the punishment of a Chinese subject by the Chinese Authorities, may I not speak a friendly word in behalf of the

release

release of the Christian, Liu Yü Ting, unless he has committed some other offense than acting as the intermediary in the purchase of the property.

Confident that Your Imperial Highness will direct the Governor of Shantung to do what is right in the premises.

I am, etc.

(signed) James B. Angell.

Messrs Murray and Hunter to Mr. Angell.

Tsi nan fu, August 6th, 1881.

Dear Sir,

Your communication of July 30th has just come to hand. Allow us to express our warmest thanks for your personal sympathy and interest in our welfare. While as the national representative, the execution of law must be one and the same, it is the source of no little gratification to us that you are so thoroughly in accord with the plans and purposes of mission work.

Before hearing further from you, we send herewith some additional information which may aid you in the prosecution of the case,

1st The objections to our occupancy of the property bought were rather vaguely stated by the officials. In substance they were (1) unwillingness of the people (2) proximity to the Shu Yuan. (3) spoiling the Feng Shui, and (4) occupying public ground.

2nd

2nd The origin of the difficulty as we learn now was mainly with two men; One commonly known as Li shih eh (李) a former Governor of Honan. In addition to instigating the riot, he endeavored to deprive us of servants by threating to imprison them for aiding the foreigners and said this plan had succeeded in driving the foreigners from Honan. His conduct has been so violent that it seems proper to make this mention of his name. The other man Yin shih fang 尹士芳 a former "shih fu" in Honan seems to have been also a chief party in stirring up the people. Probably less than a hundred teachers took part in the attack upon the building, but the number of subsequent meetings was undoubtedly much greater.

3rd The officials have already offered us three locations. One of these was entirely unsuitable, being in a very retired location, and was at once refused. The other was inside the East Gate and this we neither refused nor accepted

saying

saying we had referred the matter to Peking. At a former conference they had pressed us so closely with the question, "If we cannot buy upon the main street what other location is there most desirable?" that we at that time mentioned two other streets, viz: — the South end of the Pu Cheng Iz, and inside the East Gate. But when we learned that three houses were for sale upon the main street, we refused to accept their statement that no houses could be bought there. We now mention this offer, lest it should be represented that we have already consented to a location inside the East Gate. This we will not accept so long as there is any hope of being placed upon the main street. Should this hope fail us, we will then consider other locations. But to leave the main street, where we have had a small rented chapel for a number of years, will necessitate a change of all our plans and change the base of all our work.

Our hope of being placed upon the main

main street was not that we had any right a priori to demand a location there, but being already located there, that we should not be displaced. We had paid the full amount of purchase money, Taels 3750. and had been in peaceable possession for more than six weeks before the riot.

4th So far as we can learn our native Christian Liu Yu Ying was beaten as much because he was a Christian, as because he purchased the property for us. Many of the questions asked him referred to his faith and when he answered he was beaten. While we are aware that as a general rule we have no right to interfere with the native Government in its punishment of its own subjects, yet it seems to us that in this case the rights guaranteed to native Christians have been infringed upon. The reason given us however by the "Yu" officer for his punishment was that he had deceived us (the foreigners) by selling us public land. Since we

last

last week his condition in prison has been materially improved. But owing to the uncertain length of time that the case may be delayed in the courts we are anxious that he be released upon our bond which was formerly refused.

Presenting this additional statement of facts, we await the opinion of the Tsung li yamen, being assured that our case will be well and ably presented. The city is now comparatively quiet, and we see little danger of further trouble

Respectfully yours.

(signed) { John Murray
Stephen Hunter

Mr. Angell to Messrs Murray and Hunter

August 15th, 1881.

Gentlemen,

Your letter of August 6th reached me last evening. I was glad to hear that no new disturbances had occurred.

I shall report the names of the two prominent instigators of the troubles to the Teung li yamen.

The ground on which you are pressing your request for a position on the West part of the main street is reasonable, and I should not readily abandon it.

As to the case of Liu Yu Ying, I answered you as I did, because I supposed they would not admit that they were punishing him for his religious belief, much less formally charge him with Christian faith as an offence. If they do admit that, or if it can be shown clearly that such is the fact, then you have the right as his friends to ask that he have the protection guaranteed by

by the Treaty. While I have no expectation that they will concede that they are punishing him because of his Christianity, I will quote for you the XXIX Article of the Treaty of Tientsin, 1858. that you may use it if they should make any such concession or if you can prove the fact.

Art. XXIX. (Quoted.)

I enclose you also a copy of the same in Chinese.

I thank you for your too kind appreciation of the little I have been able to do for you. If it is my duty to aid you, it is still more a pleasure.

I am. &c.

(signed). James B. Angell

Rec'd. Dec. 17/81
Mr. Crosby

No. 200.

Requisition for gold medal for Captain Sears. Dec. 24. 1881.
Mr. Angell's no 70 of July 26. 1881. for Shanghai

Testimonials sent to Mr. Holcombe Feby 21. 1882 Mr. Cr. to Sec.

DEPARTMENT OF STATE
OCT 3 1881
RECEIVED

Legation of the United States.

Peking, August 18th, 1881.

James B. Angell to

the Secretary of State.

Subject.

The wreck of the "Annie S. Hall".

Synopsis.

Reports the wreck of the American barkentine "Annie S. Hall" and the humane conduct of Chinese naval officers to the shipwrecked men.

No. 3.

Department of the Pacific Coast,
Presidio of San Francisco, Cal.,
November 5th, 1866.

Special Orders,
No. 1.

Private Edward Farrell, Co. "A," 1st Battalion Engineers, having died at the Presidio of San Francisco, on the 4th instant, his funeral will take place from the Engineer Barracks, at 3 o'clock P. M. to-day.

The Officers and Soldiers of the Battalion will attend the funeral.

By order of Brevet Major General McDowell.

[illegible]
Assistant Adjutant General.

No. 200.

Legation of the United States.
Peking, August 18th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir,

I have learned by despatches from Mr. Consul General Denny and Mr. Consul Lord of the wreck of the American barkentein "Annie S. Hall" near the Taichow Islands in a typhoon, July 16th. As the Department will have received from those Consular officers the details of the shipwreck, I need not here give the particulars.

It appears however that the natives on the island Fung-me were very humane to the wrecked

(mariners

mariners, and that the Captain of a Chinese gunboat the "Chih-ta," which took them from the Island to Ningpo, and a Chinese Admiral who was on board, were extremely kind to the destitute officers and crew, the Admiral having given them sixty dollars in money.

The name of the Captain is Lü Wen-ching and that of the Admiral Chang-chi Kwang.

On receiving the intelligence I at once wrote to Prince Kung, reciting the facts, begging him to express my most hearty thanks to the Islanders, the Captain and the Admiral, and informing him that I should direct the attention of our Government to their most praiseworthy conduct.

A

I am in receipt of a communication from Prince Kung announcing that he has complied with my request.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Instr. to Mr. Holcombe as inserted by Mr. W. B. Dec. 10. 1881 M. Cl. Dec

No. 201.

Three Enclosures.

Legation of the United States.
Peking, August 18th, 1881.

James B. Angell to
the Secretary of State.

DEPARTMENT OF STATE
OCT 3 1881
RECEIVED

RECEIVED
FOREIGN RELATIONS
1881

Subject

The Telegraph-monopoly scheme.

Synopsis.

Reports further negotiations with the Tsung-li-Yamen in regard to the telegraph-monopoly scheme, and the conclusion which has been reached.

7

No. 1321. Date Received.

Legation of the United States,

Peking, August 15, 1881.

Received Sept 15

The Honorable J. G. Blaine,

Secretary of State,

Sir:

I have the honor to inclose a copy of a communication to Prince Kung, stating in compliance with the request of the Chinese Government that Mr. Denby will endeavor to have transmitted messages to the Chinese Telegraph Company, that communication was sent on the

July 17th.

Hoping hereafter to avoid the necessity of such a course to carry out my views I have received from the

No 201. Three Enclosures.

Legation of the United States.
Peking, August 18th 1881.

Honorable James G. Blaine.
Secretary of State.

Sir:—

In my No 186. I enclosed a copy of a communication to Prince Kung, stating, in compliance with the request of the Ministers of the Foreign Office my objections to the proposed concessions to the Northern Telegraph Company. That communication was sent in on July 17th.

Having occasion to visit the Foreign Office on July 29th on other business, I took occasion to ask if they had received from the

Viceroy

Viceroy any reply to my communication which they had forwarded to him. They said they had, and that there was no intention of preventing the landing of a cable from America. When I asked whether there would be any obstacle to landing a cable, which should touch at Japan, they hesitated, but expressed the opinion that the Viceroy would arrange for that in some way. They promised to send me a paper upon the subject.

After waiting more than a week, I sent Mr. Taylor, acting Interpreter, to inquire when I could expect the promised paper and to explain my desire for it by assuring them of the profound interest my Government feels on the subject. The next day I received the communication,

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1201. a copy of which I enclose.

I think you will agree with me in the opinion that it is a feeble, shuffling, evasive and entirely unsatisfactory document. Nothing could be more unworthy of the Viceroy's vigorous mind than the passage extracted from his letter.

I may properly say in this connection that while awaiting this reply from the Tsung-li-yamen I had the statement from one of the Telegraph Company's Officers that the Tsung li Yamen assented to the monopoly scheme before the Viceroy entered into it. They assured me at the outset that the Viceroy made the arrangement without consulting them. I am

sorry

sorry to believe that there has been
a deal of prevarication somewhere
in this business.

Deeming it desirable to commit
the Ministers on paper to whatever
they are willing to promise. I addressed
to Prince Kung a series of questions, 2/20
which I enclose. A reply, which I
enclose, was sent me on the 14th instant. 3/20

The whole Agreement for which
I had asked, was not sent to me, but
only the second Article, which the
Viceroy said he feared had been —
mistranslated. When I say that the
Article was exactly as I had it in
my copy, further comment on this
part of the transaction seems —
unnecessary.

My question whether the —
Agreement has received Imperial
sanction

sanction is evaded, but I am informed that the Viceroy has sanctioned it.

The answers to my third and fourth questions amount to this — that when an American Company wishes to lay a line from America to China, "an arrangement" can be made for the line, but the Foreign Office cannot inform me what that arrangement is to be.

My question as to whether if the Viceroy Li promises to make an arrangement for the American cable, his successor will be bound by the promise, in case of the Viceroy's death, — a question which the Prince criticises — was asked because all through our interviews and correspondence the Ministers have carried the idea that Li

Hung

-Hung Chang had managed the
business with the Northern
Telegraph Company and would
see to it in some way that a door
was left open for an American
cable to enter China. As the
language used about "an arrangement"
has been so vague, it is quite
possible that a successor of Li
-Hung Chang might not consider
himself so bound by these
indefinite promises as to overcome
any special difficulties in order to
accomodate us.

On a visit to the Tsung-li-
yamen on the 16th I asked whether
the "arrangement" which was to be
made for the American cable
contemplated the payment of money
to the Northern Telegraph Company.

The

The Ministers, (Their Excellencies Mao, Wang, Ch'ung-li, and Hsia being present) very emphatically assured me that it did not. They reiterated the assurance that the Viceroy would complete the arrangement whenever the American Company should be ready.

I told them that the plan was a less generous one than I had expected from this Government, but that without pursuing the discussion of the subject further at present, I should report to my Government.

In this interview as in previous interviews the Ministers sought to convey the impression that the whole of this telegraph-business is in the hands of the Viceroy Li-Hung-Chang. No doubt this is

substantially

substantially true, and although the present adjustment (if it can be so called) of the question is not what we could wish, it is probable that, when an American Company is ready to lay a cable, the Viceroy will enable the Company to land and work the wire without too onerous conditions.

Though the results of my labors on this subject are far from satisfactory, I trust it will prove that my efforts have not been altogether in vain and that my course will meet the approval of the Department.

I have the honor to be,
Sir,
Your obedient servant,
James R. Sturgis.

Enclosures

Enclosures.

1. Prince Kung to Mr. Angell
August 7th, 1881.

2. Mr. Angell to Prince Kung
August 10th, 1881.

3. Prince Kung to Mr. Angell
August 14th, 1881.

Prince Kung to Mr. Angell.

Referring to the proposed telegraph-arrangement between the Northern Superintendent of Trade and the Great-Northern Telegraph Company, Your Excellency has had several consultations with us on the subject, and lately you sent us a communication setting forth three points wherein the arrangement was of doubtful expediency for China herself. We sent a copy of your despatch for Li Chung T'ang's consideration and have received a reply from him in which he says with regard to the three points (of doubtful expediency) "1st × × × ×
" × × × In case of war between some
"Western nation and Denmark or China
"the Northern Company's lines might be
"destroyed, and China would lose
"telegraphic connection with the world."
" × × × × In case of war with

any

any foreign power, the ports of China would be blockaded, and if the cable is cut at sea, it will be no great damage to China. "2nd China cuts herself "off from constructing land lines to "Foochow, Canton, and other points in "the South". × × × × × × " × × " There is no such language in the second article of the General Rules. I fear it must be an error of translation. 3rd The agreements made between the Great Northern Telegraph Company and France and Russia, and the General Rules to which sanction has been given in this case are in the main very much alike in this case. Moreover the said Company have only begged that their request be granted, but no agreement has been made which can be likened (to a contract), &c. etc. etc.

The Viceroy having thus clearly stated his views on the foregoing three points, it would seem that no disadvantage is likely to result to China.

The

The request made by the Great Northern Telegraph Company has special reference to their cable already landed in China. If your Country (i.e. any American Company) proposes to lay a cable across the Pacific Ocean to China, it will ofcourse not come under these rules. Your despatch also says the Danish Company has never proposed to lay a line between America and China. This is true. A line from America to China would be by a different route. The Northern and Southern cables of the Great Northern Telegraph Company are lines from China to Europe and are different from an American line. If hereafter an American Company lays a cable from San Francisco via the Sandwich Islands to Japan it can in no way concern the Great Northern Telegraph Company; but when a cable from Japan to China is contemplated it will be well to communicate in advance with this office that we may write to the Viceroy Li who will order the Great Northern Telegraph Company

to

to consult thereon and make a compromise.
It never was intended, as your despatch
intimates, to make a compromise, by
treating the Danish Company generously
to the exclusion of an American Company.

Peking, August 7th, 1851.

Mr. Angell to Prince Kung
50/1881. August 10th, 1881.

To H. I. H. Prince Kung.

I have the honor to acknowledge the receipt of Your Imperial Highness' communication of the 7th instant concerning the telegraph question. If I venture to trouble you again on the subject, I beg you will believe that it is only because of the great importance to the United States of a proper settlement of the question. Permit me then to make a few farther inquiries as briefly as possible.

1st Since in the Viceroy's reply to me, embodied in your communication, it is stated that my copy of the second Article of the Agreement is incorrect, may I ask if you can properly furnish me with a correct copy of the Agreement?

2nd May I ask whether the Agreement has yet received Imperial sanction and so is definitely settled?

3rd Am I to understand that an

American

American company, notwithstanding the arrangement of the Chinese Government with the Northern Telegraph Company, is at liberty to lay a line when it chooses, directly from America or from the Sandwich Islands to China? I understood the Ministers of the Tsung-li-yamen to say so in my last interview with them.

4. I do not understand clearly what is meant by your statement,

"When a cable from Japan to China is contemplated it will be well to communicate in advance with this Office that we may write to the Viceroy Li who will order the Great Northern Telegraph Company to consult thereon and make a compromise".

Am I to understand this as an assurance that some arrangement will certainly be made, by which the American Company can continue its line from Japan to China? If so, may I ask what is the nature of the arrangement? And if unhappily the Viceroy Li should

(die

die, is his successor held to the same promise, provided this is a promise?

With sentiments of the most distinguished consideration,

I am, etc,

(signed) James B. Angell.

Informal

Prince Kung to Mr. Angell.

August 14th, 1881.

I have the honor to acknowledge the receipt of Your Excellency's letter concerning the telegraph question, in which you ask a few further questions on certain points wherein this business is of the greatest importance to your Government.

In answer to your first inquiry — viz:— "Since the Viceroy replies that "my copy of the second Article of the "Agreement is incorrect, may I ask you "to furnish me with a copy of the "Agreement?" — We send herewith for your inspection a copy of the second Article of the Company's petition.

2nd These General Rules have been sanctioned by the Viceroy Li in compliance with the petition of the Great Northern Telegraph Company.

Your 3rd question is — "I gather "from the purport of your communication that

" that an American Company, —
" notwithstanding the arrangement of
" the Chinese Government with the —
" Northern Telegraph Company will
" be allowed to lay a cable when it chooses,
" directly from America or from the —
" Sandwich Islands to China. I beg
" you to say clearly if this is your meaning!"

In answer we have to say — If hereafter an American Company proposes to lay a cable from America to China, as this is a different route (from those of the G. N. Telegraph Company) a compromise can be made.

Again you ask " × × × × ×
" × × × × If this is an assurance,
" may I ask what is the nature of
" the arrangement!" — As your country does not propose just now to lay a cable, we have nothing on which to propose a mode of arrangement. But as we have distinctly stated in our former letter that there is no intention to cause disappointment to an American Company, therefore

when

when the time comes a satisfactory arrangement can certainly be reached after consultation.

Finally you ask — "If unhappily "the Viceroy Li should die, is his successor "held to the same promise?" We cannot help saying this is being too particular. In all questions of intercourse between China and foreign countries, it is the propriety or otherwise of a question that is considered, without reference to whether the official who originally deliberated the question be in office or be succeeded by someone else.

We send this special reply with compliments.

File Lee says any thing further in this case should be done with Chinese Minister at Washington

No. 202. See Pol. Let B Oct 1881 Two Enclosures

Legation of the United States,
Peking, August 18th, 1881.

DEPARTMENT OF STATE
OCT 3 1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.
The Keonjeor Claim.

Synopsis.

Reports the result of a renewed application for payment of the claim and forwards correspondence with Prince Kung showing that the Chinese Government are not willing to make any new concession in regard to it.

No. 3263.

No. 202.

Two Enclosures.

Legation of the United States.
Peking, August 11th, 1881.

Honorable James G. Blaine,
Secretary of State.

Sir:—

On the 28th of July, I received your No. 101. instructing me to press again upon the Chinese Government the demand for the payment of the Keorjeor claim. On the next day I visited the Foreign Office for the purpose of presenting the claim anew.

I apprised the Ministers of your instructions and urged the claim as earnestly as I could. They fell back on their old ground of lack of documentary evidence

evidence. They professed as usual to care little for the money, but said they wished to do what was just. They asked me to write them, I told them there was little use in writing more, unless they were ready to change their attitude. I assured them our Government would not cease to press this claim and the Ward Claims and that two friendly Governments ought to find some way to settle such questions. They showed no disposition to change their position.

I then sent the Prince a communication, a copy of which I enclose. His answer, which I send also, you will see, makes no concession at all. 1/1902 2/1902

On the 16th inst. I had

(a

a personal interview with the
Ministers on the subject, and
pressed the matter as strongly
as my instructions allow. I could
get no assurance from them beyond
an expression of willingness to
settle on the basis offered by the
Viceroy of Nanking. As Mr. Hill
had in a letter to me expressed a
willingness to abate 20.000 or 25.000
taels from his claim in order to
effect a settlement, I sounded them
on the possibility of some compromise
but without result. They explicitly
said that their best and last word
was the payment of the sum
fixed by Shen, the Nanking Viceroy.

I regret therefore to be
obliged to report that I see no
prospect of their consenting to

pay

pay the claim in full unless under circumstances very different from those now existing.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosures.

1. Mr. Angell to Prince Kung
   48/1881. August 3rd, 1881.
2. Prince Kung in reponse
   55/1881. August 11th 1881.

Mr. Angell to Prince Kung,
48/1881. August 3rd 1881

To His Imperial Highness Prince Kung.

In a communication which I had the honor to send to Y. I. H. on January 19th, I ventured to predict that Your Highness' reply to my request for the just settlement of the Ward and the Keorjeor Claims would be as disappointing and unsatisfactory to my Government as it was to me.

A despatch from my Government now informs me that such was the fact. And I am directed to renew with earnestness at this time the demand for the settlement of the Keorjeor claim as I presented it on the 3rd of December, being a total of 54.000 taels with interest at 10% added from August, 1863.

Your Highness in the last communication which I had the honor to receive from you on this subject gave as a reason for scrutinizing carefully this claim the

fact

fact that "it was brought forward after many years and after the death of the parties most closely concerned".

But it is well known that it was not at first brought forward to the Imperial Government because the American who sold the vessel to Takee supposed that he would pay, and after that that his heirs might pay. And one of "the parties most closely concerned", the American citizen who chartered and sold the vessel to an agent of the Chinese Government, and has been waiting in vain seventeen years for his remuneration, is still living and is very desirous of receiving what is due him from the Chinese Government.

My Government has repeatedly given this subject the most thorough investigation and every investigation brings it to the same conclusion that this is a just claim against His Majesty's Government for services rendered to it in a critical period of its history. It

(must

must therefore continue to press this Government for payment. It is most unpleasant to my Government to repeat these requests for the payment of a sum of money. But it cannot see what it deems the refusal of justice to one of its citizens without calling the attention of this Government to the fact in the most earnest manner and renewing the expression of the expectation that His Majesty's Government will recognize the justice of the claim so often presented.

The finding of H. E. the Viceroy of Nanking, was not based entirely on documentary evidence and shows that even in China one can properly adjust a claim with proper regard to oral and circumstantial evidence. And of this latter kind of evidence there is enough so that it may safely be said that any Western Court or Government, would be compelled to consider it conclusive in favor of the claim as I have presented it.

I

I am extremely desirous as is my Government that these small claims, which are the only embarrassing subjects now under discussion between the two nations may be at once disposed of. If they are not, it will not be because my Government has not been very patient and, as it believes, just in its presentation of them. May I ask therefore if His Majesty's Government is not prepared to reconsider its position on the Kenjon claim?

I am, etc.

(signed) James B. Angell.

55/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication in reply.

I have the honor to acknowledge the receipt of Your Excellency's communication of the 3rd instant, in which you inform me that, as you had ventured to predict in a former communication, my reply in regard to the Ward & Keorjeor claims would be deemed unsatisfactory, a despatch now received from your Government informs you that such is the fact.

In reply I have to say that if up to the present time no satisfactory way of dealing with these claims has been reached it is not because the propositions of this Office were unsatisfactory, but because the accounts as originally presented by Mr. Seward were not satisfactory. Your despatch says: "I am directed at this "time to demand the settlement of the "Keorjeor claim as I presented it on the "3rd of December, including principal

and

"and interest". And again — "This claim
"was not at first brought forward to the
"Imperial Government because the American
"who sold the vessel to Yatee supposed
"that he would pay, and after that that
"his heirs might pay". And further —
"This is a claim against His Majesty's
"Government for services rendered to it
"in a critical period of its history, my
"Government must therefore continue to
"press for payment." [During the
Rebellion] China purchased materials
of war from various countries, and in
America alone from various parties.
When the time for settlement came there
were in all 159 accounts presented by Mr.
Seward (then Consul) to Woo, Taotai, and
the Keorjeor account was included in the
number. It was inexpedient to keep it
separate to be dealt with by itself. We
shall not say anything about the other
accounts which Woo, Taotai, acknowledged
and paid, we shall only mention the
accounts that refer to steamers; those
of the Hyson, Rose, Hui Hee, Pluto, etc.

12 accounts in all were paid by Woo, ~~a~~ Taotai, without any objection. It is only the Keorjeor account that he disputed item by item. The other accounts were paid just as they were presented. The Keorjeor account alone required to be scrutinized. This shows why the ~~a~~ account could not be acknowledged and paid, the reason therefore will not fail to be apparent to Your Excellency. In Mr. Hill's petition it appears that he ~~a~~ chartered the vessel to Takee in the 1st year of Tung Chih. (1862). After Takee's death he commissioned Mr. Yates to apply to the heirs for payment. The wife of Takee asked for the production of documentary proof (i. e. the charter-party) but Mr. Yates was unable to meet this request, and his application was fruitless. If the owner of the vessel was being cheated in the matter of so large a sum it was his business to have taken legal proceedings at that time. Why should he have waited till Tung Chih 12th year (1873) to present

(his

his petition! It would appear that he was waiting till there should be no witnesses (against him). This is what was meant in our former communication when we said — "the "case is brought forward after many "years and after the death of the "parties most closely concerned."

In the many years discussion of this case we have maintained that documentary evidence should be produced as proof while you have held that oral evidence should be taken as proof. In the comparison of there two positions it will be admitted that documentary evidence is the kind that carries the most weight.

For instance when two countries make a treaty, in addition to writing it in the languages of the two countries it is written in a third language for the purpose of verification, then it is signed, then sealed. Why all this care and precaution, but that words cannot be taken as proof; and that without

this

this precaution the compact would not last for any time! If verbal testimony be deemed sufficient proof, then a compact might be entered into between two parties by word of mouth. Why go to the expense of ink and paper?

While Mr. Seward was Consul, he appreciated the fact that mere words are difficult of credence. This is why he caused the testimony of all the witnesses to be printed and bound up in a volume, to be used as proof. The depositions of these witnesses being thus put in black and white, shows how proof cannot be established without documentary evidence.

As we have distinctly stated in a former despatch, it was in a conciliatory spirit that the Viceroy Shen made the proposal for the adjustment of this case. Your despatch now to hand says— "The finding of the Viceroy, Shen, was "not based entirely on documentary "evidence and shows that even in China "one can properly adjust a claim with

(proper

" proper regard to oral and circumstantial
" evidence." This is misapprehending our
generous motive for an admission of
indebtedness. The officials of China
may not decide a case on mere oral
evidence, irrespective of documentary
proof. Your Excellency has been in
China sometime and perhaps must
know this.

Considering that China and
the United States are on terms of sincere
friendship, we are unwilling to continue
this discussion about a small matter
of money. But as repeated despatches
have come from you we cannot do less
than give you a detailed statement of
the particulars of this case, which we
hope you will transmit in clear
language to your Government.

H. E. James B. Angell,
etc. etc. etc. etc.

Peking, August 11th, 1881.

Sent per Early
of Treasury Wh
Rec'd & file

No. 203.

Have admission of
Minister's personal effects
requested & granted
Nov. 17, 1881.
Mr. Frelinghuysen

made

Legation of the United States.
Peking, August 18th, 1881.

James B. Angell to
the Secretary of State.

Synopsis.

The new Chinese Minister to the United States.

Synopsis.

Mr. Angell has exchanged calls with the new Minister who will arrive in the United States about the first of December.

No. 2.

Legation of the United States,
Peking, August 15, 1900.

Hon. John Hay,
Secretary of State,
Washington.

Sir:

Mr. Squiers, Chief-Secretary of the Legation, reported this morning that Chinese in the City were circulating a report that the Empress Dowager had ordered the Foreigners to be killed. Mr. Squiers also reported that the Chinese Troops had fired upon the Legation Guards at the Tartar Wall. The Japanese Legation Guard had returned the fire, and the firing had ceased.

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No. 203.

Legation of the United States,
Peking, August 18th, 1881.

Honorable James G. Blaine,
Secretary of State,

Sir:—

His Excellency, Cheng-Tsao-Ju, the newly appointed Minister of China to the United States, is on a visit to Peking. I have exchanged calls with him.

He is a Cantonese by birth. He was formerly connected with the Arsenal at Shanghai and has for the last four years been the Customs Taotai at Tientsin. He has thus been brought in contact with foreigners more

than

than most Chinese officials. He seems very desirous of acquainting himself with railways, mining, manufactures, navy yards, etc. I have assured him that every facility for gratifying his desire will be afforded him not only by our Government but also by manufacturing Companies and by individuals. He will probably arrive at Washington about the first of December.

I have the honor to be,
Sir,
Your obedient servant,
James R. Argyll

Mr. Cridler

No. 204. One Enclosure.

Act. Order to issue before it is not proper to question the action of the minister. Cridler Oct. 28/81 Mr. Cridler

Legation of the United States,
Peking, August 28th, 1881.

DEPARTMENT OF STATE
OCT 26 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED FOREIGN RELATIONS 1881

Subject.

The Yangtsze Junk Regulation.

Synopsis.

The Chinese Government has decided to keep in force the rule requiring junks to pay — port-dues at the native customs.

No. 204. One Enclosure.

Legation of the United States.

Peking, August 28th, 1881.

Honorable James G. Blaine.

Secretary of State.

Sir:—

In my No. 143. I explained why I thought the Chinese Government had a right to enforce a rule, long suspended, requiring junks chartered by foreigners on the Yangtze River to pay port dues at the native Customs.

However in interviews with the Ministers of the Foreign Office I suggested the inquiry whether the strict enforcement of the rule might not by diverting freights to the steamers work some injury to the local customs and to the boat owners, and

(asked

asked them to consider whether they could not devise some plan by which the frauds complained of could be prevented and still an opportunity could be afforded for the chartering of junks by foreigners.

Thereupon they consulted the Northern and Southern Superintendents of Trade, who have made a report. This report is embodied in a communication which I have received from Prince Kung. It appears that the enforcement of the rule is not complained of by merchants and is increasing the revenue. It is therefore decided to keep it in force. 1/20

As further information confirms me in the belief that the chartering of junks by foreigners was largely a dishonest business, intended to defraud the native customs, I am not disposed to complain

of

of the action of the Chinese Government.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

1. Prince Kung to Mr. Angell

56/1881 August 13th, 1881.

56/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

In the month of May last I received a communication from Your Excellency concerning the enforcement of a rule requiring junks chartered by foreigners on the Yangtsze River to pay port dues at the native customs.

You said that this rule would work great hardship on the junk owners without increasing the revenue of the native customs, This Office submitted the question to the consideration of the Northern and Southern Superintendents of Trade directing them to report thereon. Their report has now been received in the following terms: — "By the Regulations of the Board of Revenue junks are required to pay dues at every Customs Station which they pass. Before China engaged in trade with foreigners, junk dues were levied in

accordance

accordance with this Rule, During these many years the Hankow Customs modified the rule and levied junk-dues once every four months; this was a temporary measure. Last year the Chinese Customs were instructed to enforce the 6th article of the Rules for Trade on the Yangtze River. Since the enforcement of the Rule there have been no complaints on the part of the merchants, and a decided benefit is resulting to the Revenue without working any injury to the junk trade. It is our duty to report a faithful representation of the facts.

This Office finds that the above measure is in accordance with one of the Rules for Trade on the Yangtze River, and as the report says the revenue will be benefited without injury to trade, it is naturally our duty to instruct the Customs stations to enforce the Regulation.

As in duty bound, we send this reply to Your Excellency's despatch.

H. E. James B. Angell
etc. etc. etc. etc.

Peking, August 13th, 1881.

Mr Cridler

No 205. Five Enclosures,

Ack. Oct. 28th 1881
Mr Cridler
Chen to Con. Bruce

Legation of the United States.

Peking, August 28th, 1881.

Recd Oct 28 1881

Seen

DEPARTMENT OF STATE
OCT 24 1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.

Official Intercourse at Canton.

Synopsis

Forwards correspondence with the Foreign Office and reports that a satisfactory arrangement has been reached by which business at Canton can be conducted harmoniously and with despatch.

No. 205. Five Enclosures.

Legation of the United States.

Peking, August 28th, 1881.

Honorable James G. Blaine,

Secretary of State,

Sir:—

Ever since the adoption of the Memorandum on Official Intercourse (see my No. 75.), correspondence concerning intercourse at Canton has been going on between the Consuls at that port and the Governor General of the Two Kwangs and also between the Diplomatic Body here and the Foreign Office.

As set forth in a note addressed

1/205. by Prince Kung to me April 29th the desire of the Governor General was to appoint the Grain Intendant and

one

one or two expectant Taotais to assist him in the transaction of business with the Consuls.

There had been so much embarrassment to public business at Foochow from the appointment of intermediaries between the Governor and the Consuls that the Diplomatic Representatives were all agreed to oppose the appointment of a Board or indeed the appointment by the Governor General of any subordinate to transact business with the Consuls. We all wrote to the Government that we would consult our respective Consuls at Canton.

Mr. Consul Scruggs, like all the other Consuls, reported strongly against the proposed plan.

On the 10th of July the Prince

(again

2/205. again called my attention to the subject.

The Diplomatic Body held
conferences on the subject and agreed
to act together. We all thought it probable
true that the duties of the Governor
General, who had charge of two
populous Provinces, might well be
so numerous that, as he said,
public business might be delayed, if
he had to give personal attention
to all foreign questions, however
unimportant. We therefore agreed
that we would consent to the transfer
of less important business to the Grain
Intendant on two conditions, first,
that he should be appointed by
the Emperor with the full rank
of Taotai, like the Customs Taotais
at Tientsin and Hankow, and should
not be a mere creature or subordinate

of

of the Governor General, secondly,
that he alone should be the
assistant of the Governor General
in transacting foreign business,
and that there should be no Board.

On July 12th I wrote in that sense 3/205.
to the Prince and on the 18th of July
I received his reply, fully assenting 4/205.
to our conditions.

I enclose also the reply of the 5/205
Tsung li Yamen to the French Minister
because it contains a concession which
may prevent disputes. In the original
Memorandum one point was perhaps
not sufficiently guarded. It was not
stated who should decide what are
important matters, which the Consul
can carry at once to the Governor General
without consulting the Taotai. The
French Minister in his note asked that

the

the Consul should determine what business is important enough to be carried directly to the Governor General. To this request the Chinese Ministers give an affirmative reply.

I trust therefore that an arrangement is made by which business at Canton can be conducted harmoniously and with despatch.

I have instructed our Vice Consul at Canton to conform to the agreement now made.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosures.

1, Prince Kung to Mr. Angell, April 29th, 188

2 " " " July 10th "

3. Mr. Angell to Prince Kung July 12, "

4. Prince Rung to Mr. Angell July 18th, 1881.

5. Foreign Office to the French Minister.

29/1881.

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a communication.

On the 13th of April last, we received from the Governor General and other high officers of the Two Kwang Provinces, a communication purporting to be (copy of) a memorial to the Throne reciting as follows:— "The four ports in the Kwang Tung province which have hitherto been opened to foreign trade are:— 1st Kwang Chow (Canton) which is the Provincial Capital; 2nd The port of Swatow in the Ch'ao Chow District; 3rd The port of Kiung Chow in the District of that name; and, 4th The port of Pak hoi in the Lien Chow District. Hitherto in matters of public business the Consuls at Swatow have addressed the Taotai of Kui Chao fu, Ch'ao Chow fu, and Chia-Ying-Chow; those at Kiung Chow have addressed the Taotai of Lei Chow fu and Kiung Chow fu; and those at Pak hoi have addressed the

Prefect

Prefect of Lien Chowfu in view of proximity.
All important matters calling for action
of the Governor General or the Governor
being represented to them by the Taotai
concerned, At Canton however there is
the Superintendent of Customs but no
Customs Taotai. It is now proposed to
appoint the provincial Grain Intendant
to attend to foreign matters, with one
or two expectant Taotais to assist him
in their management. In ordinary
matters of business the Consuls should
communicate with these Taotai's, who will
give the necessary orders to their subordinates
and on the other hand report the facts
to the Governor General and Governor.
Thus public business will be regularly disposed
of with proper despatch etc. etc.

This Office finds that the
facts set forth in the memorial of the
Governor General etc. is a correct statement
of the case. The special duty of the
Superintendent of Customs at Canton
is to look after the Revenue. Not to attend
to the public business of the place.

The

The Grain Intendant is the chief among the Intendants of the Province, and it is with due regard for the importance of public business that the Governor General etc. now propose that he should be appointed to attend to matters relating to foreigners.

It is my duty to communicate these facts to Your Excellency and to request that you will instruct your Consuls concerned to act in accordance with the foregoing proposal.

His Excellency James B. Angell,
etc. etc. etc. etc. etc

Peking, April 29th, 1881.

Informal

Prince Kung to Mr. Angell.

July 10th, 1881.

It will be remembered that this Office sometime since communicated to Your Excellency the purport of a despatch received from the Governor General of the Two Kwang concerning the appointment of officers to attend to International matters at the ports in the Two Kwang Provinces, and Your Excellency replied that you would communicate with your Consuls on the subject.

It is because of the multiplicity of affairs in these provinces, and the fear that delays must inevitably result from an accumulation of them that the Governor General requested the appointment of the Grain Intendant to attend specially to International matters. While ordinary questions would come under the management of the latter, questions of real importance might be

(communicated

communicated direct to the Governor General or the Governor. The Consul might on the one hand report the facts to the said Intendant and on the other communicate with the Governor General or the Governor.

All this appears perfectly reasonable, and it is only with a view to facilitating and improving intercourse that the proposition is made, and neither is it in opposition to the rules of intercourse agreed upon between us, nor does it in any way affect or detract from the dignity or official status of the Consul.

We received a letter yesterday from the Governor General in which he says that your Consul at Canton is waiting to be instructed by you before he can comply with the foregoing proposition. We hope Your Excellency will send him the necessary instructions.

H. E. James B. Angell,
etc. etc. etc.

Peking. July 10th, 1881.

Mr. Angell to Prince Kung.

Peking, July 12th, 1881.

I have the honor to acknowledge the receipt of Your Imperial Highness' communication of the 10th instant with reference to the procedure in business between the United States Consul and the Provincial Authorities.

In reply I beg leave respectfully to say:—

1st The designation of any Boards or Committees of officials who shall be interposed between the Viceroy and the Consul is in the highest degree objectionable. The experience at Foochow has shown that such an arrangement obstructs rather than facilitates the transaction of business.

2nd If an Intendant is appointed and commissioned by His Majesty the Emperor with a tenure of office and functions like those of the Taotais of Tientsin and Hankow, to act with the Consul in the transaction of less important

business, while affairs of more importance are attended to by the Consul and the Viceroy, I shall be quite ready to instruct the Consul to conform to such an arrangement.

I believe that I am acting in harmony with my Diplomatic Colleagues in declining to approve of the appointment of Boards or Committees of intermediaries between the Viceroy and the Consul and in consenting to instruct the Consul to transact business with an Intendant and the Viceroy on the conditions above named.

I hope to hear from Your Imperial Highness that the Imperial Government is prepared to conform to the plan suggested. I can then at once write to my Consul.

I am, etc.

(signed) James B. Angell.

Prince Kung to Mr. Angell.
Informal. Peking, July 18th, 1881.

On the 12th instant we had the honor to receive Your Excellency's letter, the contents of which have been duly noted.

In reply we have to say that the reason why the Grain Intendant is appointed to attend to ordinary matters of intercourse at Canton is because the Superintendent of Customs is required especially to manage the Revenue and has no other local duties, and the Governor General has so many questions demanding his attention that it was feared delays would result from an accumulation of them. Therefore a memorial was presented requesting the appointment of a regularly commissioned Intendant to attend to international matters of an ordinary character, while important questions might still be referred to the Governor General by the Consul. Hereafter the Grain Intendant at Canton will have

the

the same functions as the Customs Intendents (at the other ports). There is no intention to establish an additional Board.

We hope Your Excellency will send instructions to your Consul in accordance with the terms of our previous letter.

The Ministers of the Tsung li Yamēn
to Monsieur Bourée, Minister of France.

July 29th, 1881.

The Ministers of the Yamēn are in receipt of the French Minister's note regarding the new (lit. additional) appointment of the Grain Intendant (Liang Tao) to the charge of administering international affairs at Canton.

They beg to state that the commission of the Grain Intendant of the Province of Kwang Tung to charge himself with the administration of international questions is by authority of an Imperial decree commissioning him to discharge that duty, (or, to hold that appointment) and that it is by no means an appointment of the Governor General.

The fact is that the Superintendent

(of

of Customs at Canton, whose special care is the Customs Revenue, has never had laid upon him any territorial responsibility. The Governor General whose jurisdiction extends over the two Kwang, has on his hands the multifarious business of those two provinces, and apprehending that an arrear of international questions would not fail to accumulate, he presented a memorial recommending the appointment of an effective tao tai to deal with them. Henceforth (accordingly) the Grain Intendant of the province of Kwang Tung will take exclusive charge of ordinary international questions. His attributions will be the same as those of any Intendant who is Superintendent of Customs (Kuan tao). Important matters will continue to be referred

by

by the Consul to the Governor General. It is by no means (contemplated) that everything is to be relegated to the Grain Intendant.

The French Minister remarks that in the event of any case presenting itself, the Consul is to consider whether it be or not of importance. Any very grave question that may present itself, it will be his duty (or, he will be free) to communicate directly to the Governor General. Otherwise he will consult with the Grain Intendant as to the steps to be taken.

This observation of the French Minister may be regarded as an intelligent solution of the question, and one which the writers cordially accept. They request His Excellency at once to instruct the Consul at

Canton

Canton to be guided by it. The Yamen on the other hand will write immediately to the Governor General of the Two Kwang, to act in all respects in the same sense,

&c. &c.

No. 206. Acts of approving Nov. 17. 1881. Chester Arthur

To the Senate and House of Representatives. Mr Arthur

One Enclosure.

Legation of the United States.

Peking, August 30th, 1881.

DEPARTMENT OF STATE
OCT 24 1881
RECEIVED

James B. Angell to the Secretary of State

PRIVILEGED

Subject.

Decree issued by Mr. Angell.

Synopsis.

Forwards printed copy of a decree issued May 26th, 1881. for the service of summons on absent defendants.

No. 206. One Enclosure.

Legation of the United States.

Peking, August 30th, 1881.

Honorable James G. Blaine,

Secretary of State.

Sir:—

Some months ago my attention was called to the fact that there was at times a serious obstruction to judicial proceedings in our Consular Courts in China from a lack of suitable Regulations for the service of summons on absent defendants. In some cases defendants have concealed themselves in remote towns in the Empire. In many cases they had left the country.

After due consideration of the subject I decided to issue a decree to remedy the defect in our Regulations.

Knowing

Knowing how easy it is to do injustice to absent defendants by inadequate provisions for summoning them, I aimed to take every precaution to secure to them their rights, I trust it will be found that my effort was successful.

The Decree has been assented to by all our Consular Officers, and some of them have written in emphatic terms of the benefits it will secure.

In accordance with Sect. 6. of the Act of Congress approved June 22nd, 1860. I enclose to you a printed copy of the 1206 Decree with the opinions of the Consular Officers, that it may be laid before Congress for revision."

I have the honor to be, Sir,
Your obedient servant.

James B. Angell.

Enclosure

Enclosure.

1. Printed Copy of Decree of — May 26th, 1881. with opinions of Consuls.

ADDITIONAL REGULATIONS

FOR THE CONSULAR COURTS OF THE UNITED STATES OF AMERICA IN CHINA.

In accordance with Section 5th of the Act of Congress, approved June 22nd 1860, entitled, "An Act to carry into effect certain provisions in the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, or other functionaries of the United States in those countries or for other purposes," I, JAMES B. ANGELL, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Empire of China, do hereby decree the following regulations, which shall have the force of law in the Consular Courts of China.

JAMES B. ANGELL.

LEGATION OF THE UNITED STATES,
PEKING, *May 26th*, 1881.

Assented to
O. N. DENNY,
Consul General.

Shanghai, June 2nd, 1881.

Assented to
EDWARD C. LORD,
Consul.

Ningpo, June 4th, 1881.

Assented to
E. J. SMITHERS,
Consul.

Chinkiang, June 8th, 1881.

Assented to
ISAAC F. SHEPARD,
Consul.

Hankow, June 11th, 1881.

Assented to
J. C. A. WINGATE,
Consul.

Foochow, June 18th, 1881.

Assented to
W. ELWELL GOLDSBOROUGH,
Consul.

Amoy, June 23rd, 1881.

Assented to
C. C. WILLIAMS,
Consul.

Swatow, June 27th, 1881.

Assented to
F. CARROW,
U.S. Vice-Consul,
In charge.

Canton--China.

Assented to
CHAS. L. FISHER,
U.S. Vice-Consul,
In charge.

Tientsin, July 20th, 1881.

Assented to
J. J. FREDK. BANDINEL,
Vice-Consul.

Newchwang, August 5th, 1881.

I.—In civil proceedings between American citizens in the Consular Courts in China, the service of summons upon the defendant, if he is found within the Empire of China, shall be personal, that is, the copy of the complaint and summons duly certified by a Marshal of any Consular Court in China shall be delivered into the hands of the person to be served. The officer so serving the summons shall certify the same to the Consul, before whom the suit is brought.

II.—When the defendant has removed from or is absent from the Empire, or conceals himself therein to avoid the service of summons and the fact appears by affidavit to the satisfaction of the Consul, and it also appears by such affidavit or by the verified complaint on file that a good cause of action exists against the Defendant or that he is a necessary party to the action, such Consul may make an order that the service be made by publication of the summons. Such order shall direct the publication to be made in a newspaper of general circulation (to be named) for such length of time as may be reasonable, in not less than six issues of such paper, if a daily, and in not less than four issues, if a weekly. Such publication shall be made in a newspaper published nearest to the Consulate, where the suit or proceeding is pending, at least five months before the time fixed for the trial by the Consul. In case of publication, when the residence of a non-resident or absent defendant is unknown, the Consul shall direct a copy of the complaint and summons, duly certified, and addressed to the person to be served at his supposed place of residence, to be deposited in the Post Office by the Marshal of said Court.

JAMES B. ANGELL.

Legation of the United States.
Peking, *May 26th*, 1881